

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1142 OF 2017
ALONG WITH
CRIMINAL APPLICATION NO.645 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.1142 OF 2017**

Shrikant Mogal Rokade & Ors. .. Applicants

Vs.

The State of Maharashtra .. Respondent

Mr.Aniket Nikam i/by Mr.Aashish Satpute for the applicant.
Mr.Chaitanya Malgaonkar i/by GMS Legal for the Intervenor.
Ms.A.A. Takalkar, Additional Public Prosecutor for respondent.

CORAM : T.V. NALAWADE, J.
DATE : 7th August 2017

PC. :-

. The application is filed in C.R.190 of 2017 registered with Mumbai Naka Police Station, Nashik for the offences punishable under Sections 420, 464, 468 read with 34 of the Indian Penal Code. Both the sides are heard. The papers of investigation were made available for perusal of this Court.

2. The crime is registered on the basis of the report given by one Satishsingh Satyaprakash Chauhan and according to him, the present applicants had agreed to sell him the land Gat No.196 to the extent of 48 R from village Matori, District Nashik. He has contended that he confirmed that the present applicants are the owners of the land and so he entered into the agreement to purchase the property. According

to him, the agreement was made on 1st March 2011 and from time to time, he paid some amounts towards consideration. He has contended that the applicants agreed to sell the property for consideration of Rs.16 lakhs and this agreement dated 9th November 2012 was registered in the Sub-Registrar office.

3. In the case of the first informant that as the land involved was the Inam land, it is necessary for the present applicants to take permission of the District Collector for selling the property. It is contended that it was the duty of the present applicants to get such permission but they avoided to do so. It is the case of the first informant that he recently learnt that the present applicants have sold the land to Manoj Burkule under the Sale Deed dated 27th April 2016. It is contended that Burkule knew that there was an agreement made by the present applicants with the first informant but inspite of that he purchased the property as his property situated adjacent to the land involved in the present matter as Burkule has also committed offence. It is the contention of the first informant that he has been deceived by the present applicants.

4. The submissions made show that the application was moved before the Collector by the owners/the applicants for getting permission of the Collector to sell the land to the first informant but in June 2014, the Collector refused the permission. It appears that Burkule owned the agricultural land which is adjacent to the present land and the Collector granted permission to sell the land to Burkule. The submissions made show that prior to giving of the First Information Report, there was exchange of notices. The First Information Report was given on 17th June 2017. Learned APP tried to say that the present applicants deceived

the others also in a similar way. However, he admitted that there is record of the present land and the record shows that there was an agreement made with the first informant and then the land was sold to Burkule.

5. The aforesaid circumstances show that in the year 2011, there was the agreement and even proceeding was started for getting permission of Collector. It can be said that there is breach of contract from the present applicants if at all the conditions of the contract were not fulfilled but that can be decided by the Civil Court. In view of the nature of allegations, this Court holds that the custodial interrogation is not necessary in the present matter. In the result, the application is allowed. Interim relief already granted by this Court is confirmed. The application by the original complainant for permission to assist the learned APP is allowed and disposed of.

T.V.NALAWADE, J.