

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1921 OF 2016

Mr.Vijay Rajaram Dhone ... Applicant/Accused

Versus

State of Maharashtra ...Respondent

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Mr.Niranjan Mundargi i/b. Triyama Legal for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

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**CORAM : MRS.MRIDULA BHATKAR, J.**

**DATE : 2<sup>nd</sup> February 2017**

**P.C.:**

1. This application is moved for pre-arrest bail, as the applicant-accused is prosecuted for offences punishable under sections 420 and 120 (B) of the Indian Penal Code in C.R.No.148/2016 of Hadapsar Police Station, Pune.

2. It is the case of the prosecution that co-accused Pradip Kisanrao Hagwane is the owner of land at Uruli Kanchan, for which he had executed Power of Attorney to his brother Nandkishore Hagwane. In February 2014, co-accused Nandkishore Hagwane approached the complainant in his office and gave a proposal to sell off his land. The complainant has accepted the proposal and agreed to purchase the land of co-accused Pradip Hagwane. Pursuant to that, the complainant has

paid Rs. 9 lacs by cheque and Rs. 16 lacs by cash. Thus, total amount of Rs. 25 lacs were paid by the complainant to Nandkishore Hagwane, who acted as the Power of Attorney of co-accused Pradip Hagwane. Thereafter, when the complainant insisted for the public notice in respect of the title of the land, co-accused Nandkishor Hagwane avoided the same. Meanwhile, the applicant-accused approached the complainant and enquired about the said land and transaction between the complainant and Nandkishore Hagwane. At that time, the complainant informed him about their previous transaction in respect of the land. Thereafter, the complainant insisted for the completion of transaction and the sale deed of the land. Again co-accused Nandkishore Hagwane and Pradip Hagwane avoided the same and the complainant had knowledge that co-accused Pradip Hagwane and Nandkishore Hagwane sold that land to the applicant-accused by registered sale deed dated 7<sup>th</sup> July 2014 and thus, the complainant was cheated for Rs. 25 lacs by Hagwane brothers and the applicant-accused. So, the complainant has filed a private complaint before the Judicial Magistrate First Class, Cantonment Court, Pune. The learned Judge gave direction under section 156 (3) of the Cr.P.C. to investigate the matter. Pursuant to the said order, the police registered the present offence against the applicant-accused and co-accused.

3. The learned counsel for the applicant-accused submits that he has not committed any offence of cheating and he has not received any amount out of Rs. 25 lacs from the complainant. The learned counsel further submits that the applicant-accused has purchased the said land by payment of Rs.60 lacs by cheque.

4. The learned prosecutor opposed the application. She submits that the applicant-accused and the co-accused have acted inconnivance with an intention to cheat the complainant of Rs. 25 lacs. The applicant-accused had knowledge of the previous transaction between the complainant and the co-accused, despite the same, the applicant-accused had purchased the said land.

5. Perused the F.I.R. and the documents placed before this Court. *Prima facie*, it appears that the applicant-accused is not beneficiary of Rs. 25 lacs but he has purchased the said land by registered sale deed. It appears that the main grievance is against co-accused nos. 2 and 3, who allegedly sold the said land. Hence, Anticipatory Bail is granted to the applicant-accused on the following terms and conditions:

#### **ORDER**

- (i) In the event of arrest, the applicant-accused be released on bail on furnishing P.R. Bond in the sum of Rs. 15,000/-

(Rupees Fifteen Thousand only) by cheque or RTGS with one or two solvent sureties in the like amount.

- (ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on 6<sup>th</sup> February 2017 and 13<sup>th</sup> February 2017 between 6.00 p.m. and 8.00 p.m.
  - (iii) The applicant-accused shall not tamper with the evidence or pressurize the complainant.
  - (iv) The applicant accused shall not indulge into any criminal activity.
  - (v) The applicant –accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.
6. Anticipatory Bail Application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**