

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1979 OF 2017**

|                          |               |
|--------------------------|---------------|
| Ramesh Nanhu Yadav       | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr. Santraj Rampayare for the applicant  
Mr. R.M.Pethe, APP for the State.  
PSI V.H.More , Manpada Police Station.

**CORAM:   A.M. BADAR, J.**  
**DATED:   15<sup>th</sup> NOVEMBER, 2017**

**PC:-**

1.     The applicant/accused in Crime No.I-560/17 registered with Manpada, Thane Police Station, for the offence punishable under Section 420 r/w 34 of the Indian Penal Code, is seeking his release on bail in the event of his arrest in the said crime.

2.     Heard the learned advocate appearing for the applicant/accused. He argued that the applicant is an estate agent and his role in Crime in question is only to

communicate to the father of the first informant regarding availability of land for sale. He caused meeting of the prosecuting party with the vendors and therefore, it cannot be said that the applicant had cheated the first informant or his father. The learned APP opposed the application by pointing out photo copy of the pass book of Ramvilas- father of first informant Dharmendra Chaurasia and submitted that said Ramvilas had paid an amount of Rs.50,000/- to the present applicant. He is therefore, beneficiary to the transaction.

3. I have carefully considered the rival submissions and also perused the case diary.

4. According to the prosecution case, as reflected in the FIR, the prosecuting party is running a business of developing lands in the name and style 'Laxmi Builders and Developers'. The present applicant contacted the first informant Dharmendra Chaurasia and his father Ramvilas for informing that the land survey No.4, Hissa No.1 Mouje Manda,

Tq.Kalyan is available for sale. Thereafter, he introduced co-accused Aniket Chavhan as well as Azaz Ansari, Sharifa Hussein Ansari, Meharunnisa Ansari, Nasim Ansari and Sabira Husein Ansari, who claimed to be owners of the said land. Co-accused Aniket Chavhan had represented the prosecuting party that he is power of attorney holder of those persons and therefore competent to sale the land. That is how sale deed came to be executed in favour of the prosecuting party. Ultimately, it is revealed that the land, which is purportedly sold to the prosecuting party was not owned by the alleged owners.

5. It can be gathered from the papers of investigation that the present applicant acted only as an estate agent for introducing some persons purported themselves as owners of the land in question as well as power of attorney holders of the owner. The transaction was of Rs.85,80,000/-. Out of this amount, the applicant had received an amount of Rs.50,000/- and that too from the father of first informant. This implies

that it was for commission of the present applicant, who acted as an agent.

6. In this view of the matter, custodial interrogation of the present applicant in the crime in question is not warranted As such the following order:-

**ORDER**

- i) The application is allowed.
- ii) In the event of his arrest, in crime No.I-560/17 registered with Manpada, Thane Police Station for the offence punishable under Section 420 r/w 34 of the Indian Penal Code, the applicnat/accused be released on bail on furnishing P.R Bond of Rs.15,000/- and on furnishing surety in the like amount.
- iii) The applicant should not tamper the prosecution evidence.

iv) The applicant should attend the concern police station on 19<sup>th</sup>, 25<sup>th</sup> November 2017 and on 3<sup>rd</sup> December 2017 in between 11.00 a.m to 1.00 p.m. and he should co-operate the investigating officer.

v) In addition to this he should attend the concern police station on every 4<sup>th</sup> Sunday of each month in between 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet.

vi) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

**(A.M. BADAR, J )**