

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

CRIMINAL BAIL APPLICATION NO. 42 OF 2018

WITH

CRIMINAL BAIL APPLICATION NO. 1019 OF 2018

Anil Audumbar Tambe.

..Applicant.

V/s.

The State of Maharashtra.

..Respondent.

Mr. Nitesh Mohite I/b. Mr. Jaydeep D. Mane, advocate for applicant.

Mr. Vinod Chate, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 22, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 These are the applications under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 27/9/2017 in Crime Nos. 122/2017 and 127/2017 registered at Sadar Bazar Police Station, Solapur for offence punishable under section 420, 468, 471 read with section 34 of Indian Penal Code. Investigation is completed and charge-sheet is filed.

Talwalkar

3 It is the case of the prosecution that on 27/2/2017 Rekha wife of Lahu Gaikwad lodged a report at the police station alleging therein that one of her relative had informed her that there is a plot to be sold at Talehipparaga on Tuljapur Road. They had been to the site. At that time, Amol Tambe and ,Akash Tambe, who happen to be the brothers of the present applicant were present on the spot. They had offered her for sale a plot, which has clear title. They had also informed the first informant that it would be of comparatively less price. They have shown Gat No. 59 to the complainant and her family and returned home. However, once again complainant was approached by the present applicant. They had been to the spot. At that time, they had introduced one Datta M. Jadhav as the owner of Gat No. 59. It was also made clear that they have all revenue documents including the extract No. 8. The offer price was Rs. 2 Lakhs. The informant could not afford the same and therefore, had denied to purchase the same. However, they were approached time and again by Tambe brothers and they had finally negotiated the said price to Rs. 1,50,000/-.

4 On 14/6/2011 the first informant and her relatives had been to the office of the Registrar. The present applicant had taken her to bond writer Mr. Ganesh Arkal. Signatures were obtained on non-judicial stamp and the price of the said land was shown as Rs. 47,000/-. The first

informant had also questioned as to why the legal price has not been mentioned in the stamp papers. Upon which the present applicant and his brothers had informed her that they had entered in such transaction everyday and the price which is shown in the stamp paper is the valuation stipulated by the government as per the ready reckoner and that they should not worry about the same. They had registered the plot. The brothers had extracted more amount under the garb of paying stamp duties and other cess. That some time in January-February, 2017, first informant was intending to sell the said land for legal necessities and at that time, they had realised that they had been cheated by the present applicant. Survey No. 33 was not in existence. That they had been informed by the people in the vicinity that Tambe brothers in collusion with Datta Jadhav and Bhalerao had cheated several people.

5 The papers of investigation would indicate that it was sham document, which was shown to the first informant and subsequently, sham document was prepared. It is further pertinent to note that there are about 8 offences registered against the present applicant for similar offences. Hence, taking into consideration, the role attributed to the present applicant, the fact that several people have been cheated by all the three brothers by selling non-existing properties or by cheating them, the application deserves to be rejected.

Talwalkar

6 As far as the Criminal Bail Application No. 1019 of 2018 is concerned, similar offence is registered at the behest of Mrs. Ujwala B. Nimbalkar. Hence, both the applications deserve to be rejected.

7 The learned Trial Court shall not be influenced by the aforesaid observations at the time of trial, as they are restricted to the application under section 439 of the Code of Criminal Procedure, 1973.

8 The application stands rejected and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]