

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 44 OF 2017

Santosh Suresh Bhavsar vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Harshad Bhadbhade for the Applicant.

Mrs. A.A.Takalkar, APP. for the State.

Mr. Sachin Chandan for the Intervener.

CORAM : A.S.GADKARI, J.

DATE : 09th February, 2018

P.C.

1. By an Order dated 24.4.2017 the applicant was granted interim relief.

2. The first information report is lodged by the respondent No.2 on the allegation that the applicant initially entered into an agreement with him on 17.3.2013, agreeing to give Survey No.98/1 admeasuring 58-Are lying and situated at Bapgaon, Taluka Kalyan, District Thane for development for a total consideration of Rs.2.00 Crores. That, during the existence of the said agreement the applicant entered into a separate agreement with the co accused namely Smt. Pourniya N. Panchamatiya and Darshan N. Panchamatiya and accepted Rs.6,00,000/- from them. The record

indicates that after lodgment of FIR on 9.12.2015 and by taking undue advantage of the present situation, the respondent No.2 got the said land in dispute conveyed in his favour by executing a conveyance deed dated 18.9.2016 with the co-accused namely Smt. Pourniya N. Panchamatiya and Darshan N. Panchamatiya.

3. It prima facie appears that the agreement between the applicant and the first informant is still in existence and despite the said fact the respondent No.2 has executed the aforesaid conveyance deed and taken the physical possession of the property in question. Thus, prima facie, it appears that the present FIR is lodged by respondent No.2 with a view to grab the property by pressurizing the applicant herein by use of police machinery.

4. In view of the above, this Court is of the considered view that the applicant deserves to be protected by pre-arrest bail.

The interim relief granted by an Order dated 24.4.2017 is hereby confirmed however, the condition to attend the Investigating officer is waived.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)