

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 155 OF 2018***

Ratan Fakirrao Ghodake

Applicant

Versus

The State of Maharashtra

Respondent

Mr.Niranjan Mundargi i/b. Mr. Monish K. Vig, for the applicant.

Mrs. P.P.Shinde,APP, for the State.

Mr. J.S.Shelkar, API, Nasik Road Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 7th February, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 27.9.2017 in Crime No.425 of 2017 registered at Nashik Road Police Station, Nashik for the offences punishable under Sections 402, 419, 465, 467, 468, 471 and 120B read with Section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that on 11.9.2017, one Smita Patil, resident of Jalgaon lodged a report at the police station alleging therein that she has a sister by name Maya Chirmade and they do not have

a brother. Their mother had died on 17.2.1993. Thereafter the applicant and her sister were co-owners of a plot of land admeasuring 279.96 sq. meters in plot No.16, Gat No.114 at Mouje Pimpalgaon. That in July, 2017, she had been to the office of Talathi to obtain the 7 x 12 extract of the said plot of land. At that time, she had learnt that the said plot is sold to one Ravindra Kasar by showing two imposters who had posed as the first informant and her sister. The sale deed was executed in favour of Dilip Lad for consideration of Rs.14 lakhs. On 18.3.2015, the first informant and their husband realized that the sale deed is executed through some imposters after they had forged and fabricated the PAN Cards of the first informant and her sister.

3. In the course of investigation, it was revealed that the plot was initially sold to Ravindra Kasar. That one Dilip Lad had decided to purchase the plot. He was informed by the present applicant that the plot is available for sale and Ravindra Kasar decided to sell the said plot. Thereafter, a meeting was arranged and it was decided that he would sell the said plot to Dilip Lad and Rupesh Dhangar. The applicant herein was facilitating the meetings for sale transaction and had also accompanied Dilip Lad and Rupesh Dhangar to the Registrar's office on 21.9.2015. The

plot was to be sold for a consideration of Rs.25 lakhs out of which Rs.14 lakhs were to be paid by way of demand draft and Rs.11 lakhs in cash. The applicant had accompanied the vendors and the vendees to the Registrar's office and at the time of registration of sale deed, an amount of Rs.11 lakhs was entrusted with the present applicant and that he had accepted the said amount in the car as he had accompanied the vendees.

4. The investigation is completed and charge-sheet is filed. The learned APP submits that the applicant has criminal antecedents as per the offence registered against him under Section 420 of the Indian Penal Code at Indiranagar, Gangapur and Satpur i.e. Crime Nos. 185/2013, 53/2014 and 98/2017 respectively and, therefore, he does not deserve to be enlarged on bail.

5. The learned counsel for the applicant submits that despite the fact that there are criminal antecedents, the role of the applicant in the present case has to be appreciated and the bail cannot be denied only because there are criminal antecedents.

6. The learned counsel for the applicant further submits that the applicant is no more working as an estate agent and would not indulge into similar offences hereinafter. Upon considering the papers of investigation

and the submissions advanced across the bar, this Court is of the opinion that the applicant deserves to be enlarged on bail.

7. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

O R D E R

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bod in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall not reside at Nashik till framing of charge.

(SMT. SADHANA S.JADHAV, J.)