

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

ANTICIPATORY BAIL APPLICATION NO. 1196 of 2018

Shri. Arjun J. Mithari

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mr. Anand Patil i/by Anand Patil and Associates for the Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 30th November, 2018

PC :

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No.102 of 2018 dated 24.3.2018 registered with Karveer Police Station, District Kolhapur under Section 465, 467, 468, 471, 419 and 420 read with 34 of the Indian Penal Code.
2. Heard the learned counsel appearing for the applicant and the learned A.P.P. Perused the record.

3. The first information report is lodged by Shri. Suresh Patil.

It is the prosecution case that, the property in question i.e. peace and parcel of land admeasuring 371.28 sq. mtrs. out of revenue Survey No.171/3, Plot No.25 lying and situated at Village Pachgaon District Kolhapur was originally belonged to Smt. Premla Jadhav and Shri. Chandrakant Jadhav. That, Mr. Eliai Babalal Maner by preparing forged and fabricated document got the said plot of land transferred in his own name. Mr. Eliai Maner subsequently sold the suit land to the applicant by development agreement dated 16/7/2015. The applicant subsequently gave the said property for development to the first informant along with an irrevocable power of attorney in that behalf. The informant paid Rs.7,00,000/- to the applicant towards the consideration of the said agreement. Subsequently Smt. Premla Jadhav and Shri. Chandrakant Jadhav gave paper notice intimating that, they have not sold the said property to anybody and they are still the owners of the said property. The informant found that, he has been cheated by the applicant to the tune of Rs.7,00,000/- by entering into the said Development Agreement .

In the first information report allegations against the Talathi who has effected the mutation entries in the revenue record have also been made.

3. A Perusal of the record indicates that, the applicant is a bonafide purchaser of the property for valuable consideration. The Talathi of the concerned village against whom serious allegations of manipulating and/or fabricating the revenue record are alleged, as per the submission of the learned counsel for the applicant has been granted pre-arrest bail by the Sessions Court, at Kolhapur.

4. In view of the above and after taking into consideration the record made available before this Court and the facts involved in the present case, this Court is of the considered view that the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant deserves to be protected by pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No.102 of 2018 dated 24.3.2018 registered with Karveer Police Station, District Kolhapur, the applicant be released on bail on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.

- b) The applicant shall attend the Investigating Officer as and when called for between 10.00 a.m. and 1.00p.m. upon receipt of notice in writing from the concerned police station and to join the process of investigation till the submission of final report,.
- c) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)