

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.472 OF 2018

(Varun s/o Dhananjay Deshbhratar Vs. State of Maharashtra thr. PSO PS Beltarodi,
Dist. Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.R. Gautam, Advocate for Applicant.
Shri N.B. Jawade, APP for Respondent-State.
Shri A.D. Bhate, Advocate for Complainant.

CORAM: ROHIT B. DEO, J.

DATE: 23rd JULY, 2018.

The applicant is apprehending arrest in Crime 70/2018 registered with the Police Station Beltarodi, District Nagpur for offence punishable under sections 420, 465, 467, 468 and 471 read with section 34 of the Indian Penal Code.

2] The gist of the accusation against the present applicant is thus:

The complainant one Alekh Sharma came across an advertisement on an advertisement portal offering to purchase 1500 sq.ft. plot and then to construct three bed room, hall and kitchen admeasuring 1500 sq.ft. This advertisement was published by one Spadix Infrastructure. The portal mentioned the name of the present applicant and his mobile numbers were given for

interested customers to contact. The complainant contacted the present applicant and was shown plot 29 in Utkarsha Society, Besa. Later on another plot was shown by the present applicant on which board of one Jitendra Khanjeria was affixed. The applicant however, gave the complainant the understanding that the said Jitendra Khanjeria is not in a position to execute the sale-deed and would be a witness to the sale-deed. The complainant was also shown an agreement of sale between the said Jitendra Khanjeria and one Lilwala – original owner. An agreement was entered into on 10.06.2015 between Spadix Infrastructure represented by the applicant and the complainant. The agreement purportedly bears the signature of the applicant. The applicant for and on behalf of Spadix Infrastructure. The agreement records that the complainant has already paid an amount of Rs.15 lacs to Spadix Infrastructure, of which firm the applicant is shown as a partner.

3] Perusal of the case diary would reveal that further amount is paid to the applicant after the execution of the agreement dated 10.06.2015.

4] Illustratively amount of Rs.25 lacs is transferred in the account of the applicant by RTGS immediately on the next day, by the father of the complainant. The case of the prosecution is that further amount of Rs.6 lacs is paid to the applicant. The total amount to the applicant works out to

Rs.46 lacs, according to the prosecution.

5] The case of the prosecution is that a fraudulent sale-deed came to be executed in favour of the complainant on 02.07.2015, to which the applicant is a witness. The vendor is shown to be Shakir Hussain Lilwala acting through his power of attorney holder Rajesh Diliprao Pant. The statement of Shakir Hussain Lilwala is recorded and he denies having conferred any power on Rajesh Pant and states that the plot in question was sold by him one Pramod Agrawal as far as back in 2004. *Prima facie*, the on going investigation has revealed that the power of attorney holder is a fraudulent and fabricated document.

6] It is more than obvious that the complainant is the victim of a serious fraud. The complaint is relieved of an astronomical sums of Rs.46 lacs. There is ample material on record to link the applicant with the crime. Indeed, the applicant has played the major role by inducing and trapping the complainant. The investigation papers reveal that huge amount are received by the applicant. *Prima facie*, the sale-deed and the power of attorney are fraudulent and/or fabricated documents. In this view of the matter, it is not possible to show any indulgence in favour of the applicant. The investigation is on going and if the applicant is released on anticipatory bail the investigation agency shall be seriously prejudiced. The custodial interrogation of the applicant is the need of the hour to unearth further

material and to connect the dots. The application is without substance and is rejected.

JUDGE

NSN