

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

ANTICIPATORY BAIL APPLICATION NO.1705 OF 2019

Prashant Vishwanath Shete

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Anand S. Patil, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.Yuvraj Alhare, LCB, Kolhapur, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 02nd AUGUST, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.123/18 registered with Laxmipuri Police Station, Kolhapur, under sections 419, 420, 465, 467, 468, 471, 474, 323, 504, 506(2) r/w 34 of the Indian Penal Code.

2. The FIR in this case is not annexed to the application because the learned Counsel for the Applicant submitted that he did not have a copy. Learned APP handed him copy of the FIR. After reading this FIR, the learned Counsel for the Applicant has

made his submissions. The copy of the FIR is taken on record and marked 'X' for identification.

3. The informant had purchased the property which is the subject matter of his FIR from one Swapnil Salokhe. Subsequently, the first informant came to know that purportedly the seller had purchased that flat from one Mahavir Balaso Kapse. However, he had purchased those plots based on forged documents. At the time of execution of sale deed in favour of Swapnil Salokhe somebody else was made to stand as Mahavir Kapse. Thus, by impersonating him, the transaction was entered into. Therefore Swapnil Salokhe actually had no concern with the plot in question, because the real person Mahavir Kapse was somebody else. Thus, the Applicant was deprived of his money and has suffered loss to the tune of Rs.26,84,000/-. The Applicant was told by Salokhe and his wife that the real mastermind behind all this operation was the present Applicant. The present Applicant met the first informant and told him that Swapnil Salokhe was not in a position to invest any amount and

the real money was invested by the Applicant himself. Thus, the Applicant in terms had taken responsibility of the entire transaction. On some occasion, the first informant was even assaulted and abused by the Applicant and his associates. Based on these allegations, the FIR is lodged.

4. Heard learned Counsel Mr.Anand S. Patil for the Applicant and learned APP Ms.S.S. Kaushik for the State.
5. Learned Counsel Mr.Patil submitted that the offence as per the FIR itself is committed by Swapnil Salokhe. The present Applicant had no role to place in making any representation. He submitted that the documents were executed between Swapnil Salokhe and the first informant and therefore the present Applicant had absolutely no concern with the transaction.
6. Learned APP Ms.Kaushik relied on the investigation carried out so far. The investigation papers contain statement of one Rajendra Urankar which shows that the Applicant had encashed a bearer cheque. The cheques contained name of this witness Rajendra Urankar. After withdrawal of this amount, the amount

was to be paid to one Rohan Dabhade. According to the prosecution case, these cheques were signed by Swapnil Salokhe after getting money from the informant. Thus, prosecution wants to establish link between Swapnil Salokhe and the present Applicant.

7. I have considered these submissions. The FIR clearly mentions the exact role played by the present Applicant. If the Applicant had no concern with Swapnil Salokhe, he had no occasion and any reason to contact the first informant. On some occasions, the informant was abused and assaulted. The informant was told by the Applicant himself that he was the real person who had invested money in that land transaction. Thus, at this stage, there is sufficient material against the present Applicant warranting his custodial interrogation to unearth the evidence and manner of conspiracy hatched to commit this offence. In this view of the matter, no case for anticipatory bail is made out. Application is therefore rejected.

(SARANG V. KOTWAL, J.)