

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.433 OF 2019

Vishal Anand Salve, Adult, Occ.Service, R/o.Room no.2, Pandit Bhaiya Chawl, Sidharth Nagar, Kolsewadi, Kalyan East-421 306.	Applicant
versus	
The State of Maharashtra	Respondent

AND

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.439 OF 2019

Mrs.Kirti Shaileshkumar Jain, Age 32 years, Occ.Housewife, R/o.809/810, Trimurti Apartment, Mamledar Vadi, Liberty Garde, Malad (West), Mumbai-64.	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Mangesh Patil for applicant in ABA No.433/2019.
Mrs.G.P.Mulekar, APP, for State.
Mr.R.A.Patil, PSI, Dahanu Police Station present.

Mr.Girish Agrawal for applicant in ABA No.439/2019.
Mr.S.R.Agarkar, APP, for State.
Mr.R.A.Patil, PSI, Dahanu Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th February 2019

PC :

1. The applicants are apprehending arrest in connection with CR No.I-144 of 2018 registered with Dahanu Police Station. The FIR was lodged on 24th September 2018 for offences under Sections 420, 467, 468, 471, 472, 474 r/w Section 34 and 120B of Indian Penal Code.

2. A complaint was lodged by one Amit Patel on 24th September 2018. It is alleged that the registered sale deed dated 8th November 2017 was bogus and the property has been purchased by the applicant in ABA No.439 of 2019 and another person namely Mumtaz Khan by impersonating the identity of complainant. The applicant in ABA No.433 of 2019 was Talathi at the relevant time.

3. The contention of the applicant in ABA No.433 of 2019 is that he had no reason to doubt the identity of the persons who had appeared before him. He is public servant. His arrest would cause irreparable loss and damage to his service. He is willing to co-operate with investigation.

4. Learned counsel for applicant in ABA No.439 of 2019 submits that the purported vendors had represented to the applicant that they are owners of the property. The co-purchasers of the property had published notice in the local newspaper about purchase of the said property. The applicant did not receive any objection from any interested person and pursuant to that the agreement for sale was executed with the said vendors. The applicant has also parted consideration to the vendors by way of cheque in the sum of Rs.4.40 lakh. Admittedly in view of the objection, the applicant cannot be continued to be the purchaser of the property as alleged sale deed stands cancelled.

5. Learned APP, however, submitted that valuation of the property was shown to be Rs.4.40 lakh although as per Government valuation, the value of the property is to the tune of about Rs.44

lakh. It is further submitted that the applicant had also executed two similar transactions whereby the vendors were impersonated. Thus, the applicant is involved in three cases.

6. In view of the submissions advanced by both parties and the documents on record, it is apparent that the applicant in ABA No.439 of 2019 was the purchaser of property. The complainant has stated that he had purchased the said property from earlier vendor for a consideration of Rs.42,41,250/-. However, the said applicant had executed a sale deed with the vendors who had allegedly impersonated the original owners for a meager sum of Rs.4.40 lakhs. It is also noted that two other similar transactions in respect of which FIR has been registered, were also executed by the applicant. As far as applicant in ABA No.433 of 2019 is concerned, he has acted as Talathi. The documents were apparently registered by other accused and thereafter they had approached the applicant-Talathi. In the circumstances, the applicant in ABA No.433 of 2019 can be granted interim protection with a direction to co-operate in the investigation. However, considering the role played by applicant in ABA No.439 of 2019, no case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Application No.439 of 2019 is rejected;
- (ii) In the event of arrest of applicant in Criminal Anticipatory Bail Application No.433 of 2019 in connection with CR No.I-144 of 2018 registered with Dahanu Police Station, he be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant in ABA No.433 of 2019 shall appear before investigating officer of Dahanu Police Station on 25th, 26th and 27th February 2019 between 11 am and 1 pm with all requisite records;
- (iv) Criminal Anticipatory Bail Application No.433 of 2019 is adjourned to 28th February 2019.

(PRAKASH D. NAIK, J.)

MST