

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.551 OF 2019

Kirti Shaileshkumar Jain, Age 32 years,
Occ.Housewife, R/o.809/810,
Trimurti Apartment, Mamledar Vadi,
Liberty Garden, Malad (W), Mumbai-400 064. Applicant
versus
The State of Maharashtra Respondent

Mr.Girish Agrawal for applicant.
Mrs.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 5th March 2019

PC :

1. The applicant is apprehending arrest in connection with CR No.I-145 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 Manmohan Ranjitsing Mehta on 24th September 2018. It is alleged that the registered sale deed dated 15th November 2017 was bogus and the property has been purchased by the applicant and another person namely Mumtaz Khan by impersonating the identity of complainant.

3. Learned counsel for applicant 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.2.10 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.

4. Learned APP, however, submitted that valuation of the property was shown to be Rs.2.10 lakh although as per Government valuation, the value of the property is to the tune of about Rs.28,59,000/-. 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.

5. In view of the submissions advanced by both parties and the documents on record, it is apparent that the applicant was the purchaser of property. The complainant has stated that he had purchased the said property from earlier vendor for a consideration of Rs.29,00,625/-. 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.2.10 lakhs. It is also noted that two other similar transactions in respect of which FIR has been registered, were also executed by the applicant. However, considering the role played by applicant, no case for grant of anticipatory bail is made out. Hence, Criminal Anticipatory Bail Application No.551 of 2019 is rejected.

(PRAKASH D. NAIK, J.)