

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

**ANTICIPATORY BAIL APPLICATION NO.732 OF 2018**

Mahendra Raghunath Metkar

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr.Nitin Sejpal, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent No.1.
- Mr.Nitesh Bhutekar, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 07<sup>th</sup> JUNE, 2019**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.323/17 registered with Indira Nagar Police Station, District Nashik, under section 420 of the Indian Penal Code.

2. The FIR is lodged by one Minakshi Shamkant Gavande. According to her, she got acquainted with the present Applicant through her relatives in the year 2012. The Applicant was introduced as a developer. The first informant and her husband

went to the office of Applicant at Nashik. From there the Applicant took them to Tryambakeshwar and showed them Gut No.9/2 Plot No.13 at Vadholi. The first informant showed interest in purchasing that plot. An agreement for sale was executed. Agreed amount was Rs.6,40,678/-. Out of that Rs.3,50,000/- was paid to the Applicant. However the agreement did not fructify into a sale deed. The Applicant showed more plots to the first informant, she and her husband agreed to purchase five plots. The payments were made from time to time from the year 2012 to 2014. The first informant paid Rs.38,40,990/- in all to the present Applicant. However, no documents were executed. The first informant came to know that Plot No.13 was sold by the present Applicant to one Nilima Dattatray Bhamre on 25/02/2013. The Applicant had accepted money even after that day from the first informant. On such allegations FIR was lodged.

3. Heard learned Counsel Mr.Nitin Sejpal for the Applicant, learned APP Ms.S.S. Kaushik and learned Counsel

Mr.Nitesh Bhutekar for the first informant. Mr.Sejpal submitted that the allegations are in the nature of civil dispute and legal remedy for recovery of money is extinguished as the debt is time barred. According to Mr.Sejpal, the first informant has lodged the FIR to pressurize the Applicant to part with his property.

4. Perusal of the FIR clearly shows that the first informant and her husband were induced by the present Applicant to part with their money. After accepting money, no further actions were taken by the Applicant. No sale deeds were executed and money was not repaid. In this view of the matter, the offence is made out. For collecting the evidence and to unearth the entire scheme hatched by the present Applicant, custodial interrogation of the Applicant is necessary. Hence the application for anticipatory bail is rejected.

**(SARANG V. KOTWAL, J.)**