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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1264 OF 2018**

Dilip Maruti Jadhav

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Sanjiv P. Kadam i/b Mr. Sachin K. Hande advocate for the
applicant

Mr. S. S. Hulke APP for the State

Mr. Siddheshwar B. Kalel for original complainant

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 17, 2019.****P.C.**

Heard the learned counsel for the applicant and the learned
APP.

2 In Crime No. 40 of 2018 registered with Kamothe Police Station
for offence punishable under Sections 406, 420, 465, 467, 468 of the
Indian Penal Code, applicant is seeking pre-arrest bail.

3 The prosecution case against the present applicant is, in absence of Title to property referred to in complaint, applicant has accepted consideration to the tune of around Rs. 17,50,000/- and has not honoured the demand of transfer of the land.

4 In the aforesaid background, Shri. Kadam, the learned counsel for the applicant would urge that the dispute in question is civil in nature and as such, custodial interrogation of the applicant is not warranted as the entire documents which are formed to be basis of dispute are very much available. The second limb of submission is the amount of initial consideration paid by the complainant of Rs. 17,50,000/- was already deposited by the applicant in this Court so as to demonstrate bonafides.

5 The learned APP opposed the prayer on the ground that there is strong *prima facie* case against the present applicant of involvement in the crime in question. According to the learned APP who is assisted by the learned counsel for the complainant, applicant has acknowledged his liability to the extent of Rs.

70,00,000/- by issuing 5 cheques of Rs. 14,00,000/- each way back in 2013 which demand is not honoured till date. It is also claimed that the agreement was entered into without any authority.

6 Considered rival submissions.

7 In response to the Court's query, applicant is non committal about the payment of amount of Rs. 70,00,000/- minus Rs. 17,50,000/- which is already deposited in this Court.

8 As such, this Court is unable to appreciate the bonafides of the applicant. Apart from above, the very authority of the applicant to enter into contract for the sale of land of which he was not having title and for which he was consenting party, required to be considered adverse to the interest of the applicant. Applicant has practised fraud on the complainant as is apparent from the entire transaction as the original owner of the land in question had not given any such authority to the applicant.

9 There is sufficient material to infer *prima facie* involvement of the applicant in the crime in question. Applicant as such, does not deserve any protection from this Court. Application stands rejected.

10 The amount deposited in this Court be transmitted to Investigating Officer of the crime in question who shall show the said amount, the one seized in the crime in question.

[NITIN W. SAMBRE, J.]