

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

ANTICIPATORY BAIL APPLICATION NO. 1843 OF 2019

Wasimraj Nabilal Shaikh

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. V.V. Purwant, Advocate for the Applicant.
- Ms. S. S. Kaushik, APP for the State.
- Mr. Vithal N. Jadhav, PC-1939, Sadar Bazar Police Station, Solapur.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd AUGUST, 2019

P.C. :

1. The applicant is apprehending his arrest in connection with CR No. 548/19 registered at Sadar Bazar Police Station, Solapur under sections 82 and 83 of the Indian Registration Act 1908.
2. The FIR is lodged by one Ganshiram Suryavanshi on 1st July 2019. He has stated in his FIR that a sale deed was registered at the Sub-registrar office on 22nd January 2019 vide registered document no. 439/19 in respect of the sale of land at old Survey No. 273/2 and new survey No. 17/2 in respect of plot no. 109 admeasuring 532.37 square meters. The seller's name was mentioned as Vyankatrajam Tukaram Kairamkonda. The land was

sold to the present applicant. The seller had made complaint to the sub-registrar alleging that he had not executed the aforementioned document and had not signed it. He had never remained present. On this basis, the FIR was lodged.

3. Heard, Mr. Purwant, learned counsel for the applicant as well as Ms. Kaushik, learned APP for the State.

4. Learned counsel for the applicant submitted that the applicant was bonafide purchaser of the land. He was interested in purchasing the land. The applicant through an agent entered into this transaction. He was not knowing that agent personally but he wanted to purchase that land. The agent approached the land owner for negotiating and for executing the documents. He submitted that he had paid Rupees Ten Lakhs in cash to the purported owner and the document itself mentioned that he had given cheque of Rupees Twenty Nine Lakhs Fifty Five Thousands issued on Bank of India bearing number 001378 dated 21st November 2019. This fact is mentioned in the disputed document itself. He, therefore, submitted that the applicant had himself lost his money paid in cash though the cheque was not deposited by

the purported owner who obviously had impersonated as real owner. The applicant had no way to know this fact. According to the applicant, he is a victim in the entire episode.

5. The learned counsel for the applicant firmly makes a statement that the applicant is ready and willing to take steps for reversing the entries in the revenue record, whereby his name was included in respect of that land. The applicant in his memo of application in ground (vi) has mentioned that he would not have any claim on the the said property on the basis of the said sale deed.

6. Learned APP opposed this application on the ground that it is necessary to trace the purported owner, who had stood as the real owner, at the time of registration of that sale deed.

7. I have considered these submissions. At this stage, there is no reason to doubt the claim of the applicant that he himself is cheated by the person who stood as owner. The applicant had no way to identify the real owner of that particular land. The applicant has categorically stated that he would not have any claim in the said property and he would take all the steps

necessary for getting the entry reversed in the name of the real owner. There is some substance in his arguments that he himself had lost considerable amount in the entire transaction.

8. The learned counsel for the applicant has urged in his submissions that in any case he could not have benefited from a forged document as the sale deed was not executed by the real owner. Therefore, at this stage, the applicant's case that he was not knowing the owner is more probable.

9. In this view of the matter, custodial interrogation of the applicant is not necessary. The document is available for the investigation. Hence, the applicant can be protected by an order of anticipatory bail. Hence, the following order:-

ORDER

(I) In the event of his arrest in connection with C.R. No. 548/19 registered at Sadar Bazar Police Station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned police station

from 5th September 2019 to 7th September 2019 between 1.00 p.m. to 4.00 p.m. and shall co-operate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)