

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

ANTICIPATORY BAIL APPLICATION NO. 1971 OF 2019

Mr. Navnath N. Avhale	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
CRIMINAL APPLICATION NO. 01 OF 2019**

Sachin Sambhaji Shitole	 Intervenor.
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IN THE MATTER BETWEEN:

Mr. Navnath N. Avhale	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Pravin U. Gaikwad, Advocate for Applicant.
Ms. Manjiri Parasnis, Advocate for the Intervenor.
Ms. S. S. Kaushik, APP for the State/Respondent.
Mr. A. A. Dandge, PC/2139, Lonikand Police Station, Pune,
present.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 566 of 2019 registered with Lonikand Police Station,

Pune, under section 420 r/w. 34 of the Indian Penal Code. Subsequently, Sections 465, 467, 468 and 471 of IPC are added. The FIR is lodged by one Sachin Shitole. He has stated in his FIR that he had agreed to purchase 16.84 R land from Gut No.71 at Avhalwadi from one Laxman Avhale for Rs.20,35,000/-. The present applicant is grandson of the said Laxman Avhale. At the time of agreement for sale, Rs.19 lakhs were paid to the present applicant as the land owner Laxman was of advanced age. Subsequently, the sale deed was executed and registered on 22/12/2015. At that time, the balance amount of Rs.1,35,000/- was also paid by the informant to Laxman Avhale. Subsequently, the informant noticed that the same land was divided in different plots and they were sold to different persons by the applicant and his grand-father Laxman. The FIR mentions 10 such persons to whom different pieces of the same land, which was sold to the informant, were further sold by the applicant and his grandson for various amounts. Thus, even after taking Rs.20,35,000/- from the informant, the land was not given to the informant, instead, subsequently it was sold to 10 different persons. On this basis, the

FIR is lodged.

2. Heard Mr. Pravin U. Gaikwad, learned counsel for the Applicant, Ms. Manjiri Parasnis, learned counsel for the Intervenor and Ms. S. S. Kaushik, learned APP for the State/Respondent.

3. Learned counsel for the applicant submitted that he is willing to repay the entire amount taken by him to the first informant. He further submitted that he was not the land owner and, therefore, could not have sold that land, therefore, he cannot be held responsible for the fraud, if any. Learned APP pointed out that there was a similar case against the applicant which he had compounded in the past. She, therefore, submitted that this is his usual modus operandi. The applicant has cheated many persons. Learned counsel for the intervener pointed out that the applicant himself had signed the sale deed as a confirming party and that the amount of Rs.19 lakhs was paid to him by the informant.

4. I have considered all these submissions. The case of the informant is clearly spelt out in the FIR. The amount of Rs.19 lakh was paid to the applicant himself. The applicant has signed as confirming party on the sale deed when it was registered. In this

view of the matter, at this stage, there is sufficient material to show the applicant's complicity and, therefore, his custodial interrogation is necessary. I am not inclined to protect the applicant by the order of anticipatory bail. His custodial interrogation is necessary to find out similar instances and his intention behind this transaction. No case for anticipatory bail is made out.

5. The application is rejected.

6. The intervention application is also disposed of accordingly.

(SARANG V. KOTWAL, J.)