IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2204 OF 2019

Sandeep Kaluram Garadade .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Rupesh A. Zade, Advocate for the Applicant.
Ms. S. S. Kaushik, APP for the State/Respondent.
Mr. J. S. Pansare, HC-309, Yavat Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 102 of 2019 registered with Yavat Police Station, Pune Rural, on 05/02/2019 under section 420 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by one Rahimkhan Bahadur Khan. He has stated in his FIR that he had purchased the land admeasuring 60R in village Lingali, Tal. Daund, Dist. Pune in gut No.44/5/B on 08/12/1986. He was checking the 7/12 extract

regularly. In September 2018 the 7/12 extract showed his name as the owner, however, in December 2018 he could see that his name was deleted and instead name of one Munna Ishaq Pathan was introduced as the owner of the property vide Mutation entry No.1900. On further inquiry, he came to know that there were three documents registered at the Sub-Registrar office vide documents Nos.3832/2018, 3833/2018 and 5282/2018. These documents were agreement for sale, Power of attorney and the sale deed. The first informant lodged his FIR on the allegations that some impersonator stood in his place and then these documents were executed and registered, thereby depriving him of his rights in respect of the property. On this basis the FIR is lodged.

3. Heard Mr. Rupesh Zade, learned counsel for the Applicant and Ms. S. S. Kaushik, learned APP for the State/Respondent.

4. Learned counsel for the applicant submitted that the applicant had not signed any of the documents when they were actually registered. Only at the time of execution of documents he has signed those documents. He submitted that the applicant has

not signed as an identifying witness in any of the documents at the time of execution and registration of the documents. He submitted that he is even ready to attend the police station and is willing to co-operate with the investigation. Learned APP opposed this application. She submitted that the purchaser Munna Ishaq Pathan is absconding and he is not available for investigation. The purported seller was obviously an impostor and therefore both the parties have played fraud. They were hand in glove. The applicant is one of the witnesses to these documents and he is also a party to that fraud, therefore, his custodial interrogation is necessary.

5. I have considered these submissions. The very fact that Munna Ishaq Pathan who is the subsequent purported owner is absconding shows that he is not the victim but was a party to the fraud through which the applicant's property was transferred in his name. The seller, obviously, was an impostor when the documents were executed and registered, because first informant was the real owner and only he could have sold this property. The applicant's signature is appearing as a witness for execution of these three documents. Thus, his participation in the crime, at this stage, is

clearly made out. Considering the nature of the allegations and also considering the fact that the main accused is still absconding, the applicant's custodial interrogation is necessary. Therefore, no case for anticipatory bail is made out.

6. The application is rejected.

(SARANG V. KOTWAL, J.)