

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

ANTICIPATORY BAIL APPLICATION NO.2095 OF 2018

Suresh Tukaram Khandve & Anr.	 Applicants
versus	
The State of Maharashtra	 Respondent
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- Ms.Manjiri Parasnis, Advocate for Applicant.
- Mr.Jayesh Kocheta, Advocate for Respondent No.2.
- Mr.S.H. Yadav, APP for the State/Respondent.
- PSI Raviraj Kamble, Dighi Police Station, Pimpri Chinchwad City, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 13th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.198/18 registered with Dighi Police Station, under sections 406, 420 r/w 34 of the Indian Penal Code.
2. The FIR is lodged on 06/08/2018 by one Anita Sadashiv Pathare. She has stated in her FIR that her son-in-law wanted some financial help. Therefore the informant and her husband decided to sale about 40.25 R out of their land situated at Survey No.304, Hissa No.2, at Charholi Village. Their son-in-

law was knowing the Applicant No.2 and through him, the first informant held talks with the present Applicant No.1 for the land transaction. The Applicant No.1 showed interest in purchasing the land. Therefore it was decided that the informant would sell that land for Rs.2,21,76,000/-. The Applicant No.1 in all paid Rs.70,00,000/- through cheques and the outstanding amount was Rs.1,41,00,000/-. The Applicant No.1 has represented that the said amount would be paid subsequently. However, remaining amount was never paid. After quite some time, the first informant requested him if the Applicant No.1 does not want pay the amount, the land should be reconveyed in the name of the first informant. On this occasion, the Applicant No.1 demanded huge amount which the first informant was unable to pay. The family of the first informant was going through tremendous mental state. Therefore ultimately the informant decided to raise funds by selling their other land to repurchase the land given to the first informant through the Applicant No.1. On this occasion, the Applicant No.1 agreed to reconvey the land for Rs.1,80,00,000/-. On this occasion, the

informant paid more than Rs.1,80,00,000/-, out of which Rs.1,20,00,000/- was paid by cheque. Thus the Applicant No.1 has obtained more money from the first informant. Thus there is misappropriation of huge amount as well as the land. Cheating and dishonest intention of the Applicant No.1 is manifest right from the inception. Hence I am not inclined to grant anticipatory bail to the Applicant No.1. The custodial interrogation of the Applicant No.1 is necessary.

3. Insofar as Applicant No.2 is concerned, the only allegation against him is that through Applicant No.2, the Applicant No.1 got in touch with the informant and thereafter the entire offence has taken place. Thus, from the FIR the it is clear that involvement of the Applicant 2 in criminal offence is not made out. Therefore he could be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) The application in respect of Applicant No.1 Suresh Tukaram Khandve is rejected.

- (ii) In the event of his arrest in connection with C.R.No.198/18 registered with Dighi Police Station, the Applicant No.2 Sandip @ Panjak Rajaram Avhale, 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.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)