

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

ANTICIPATORY BAIL APPLICATION NO. 217 OF 2020

1. Shankar Mahatma Narute
2. Anand Mahatma Narute Applicants

Versus

The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 909 OF 2020**

Pralhad Sandipan Narote Intervenor.

In the matter between:

Shankar Mahatma Narute & Anr. Applicants

Versus

The State of Maharashtra Respondent

Mr. V. V. Purwant a/w. Pushikesh Kale for Applicants.

Mr. S. H. Yadav, APP for State/Respondent.

Mr. Ajit V. Alange for Intervenor. _____

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd FEBRUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 831 of 2019 registered at Sadar Bazar

Police Station, Solapur, under sections 384, 420, 504 and 506 r/w.34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Viresh Purwant, learned counsel for the applicants, Shri. Ajit Alange, learned counsel for the Intervenor and Shri. Yadav, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Pralhad Narote. He is uncle of both the applicants. He has stated in his F.I.R. that, his son Sandipan was working at Tasgaon. His daughter in law was working in Pune. He has alleged in the F.I.R. that, the informant himself had a flat at Solapur wherein both applicants were residing with their families. The subject matter of the F.I.R., however, is a plot bearing survey No.4/1, Plot No.72, admeasuring 6500 sq.ft. He had purchased that piece of land in the year 1982. There is some civil litigation pending in respect of that land between the informant and one Taufik Shaikh and one Manoj. The informant had given power of attorney for such transaction of that particular land in February, 2019 to his son. It is alleged in the F.I.R. that, in March, 2019 both the applicants approached the informant in his village at Vatvate.

Under some pretext he was taken to Solapur to reside with them. On 08/03/2019 the applicants forcibly took the informant to the Sub Registrar's office. There, two sale deeds were registered in the name of both the applicants for Rs.8,65,000/- each. Those two sale deeds were in respect of pieces of land on survey No.4/1, Plot No.72. Thus, his case is that, he was made to execute and to register those documents under threats. The applicants had threatened to commit murder of informant and his family. Thereafter, he was taken back to the applicants' house. He was not allowed to contact his son Sandipan. After a few days, he could meet his son. Thereafter they approached the police, but the police did not take complaint. Ultimately, in November, 2019, police lodged this F.I.R.

4. Shri. Purwant submitted that the informant, in fact, was residing with the applicants' family since past many years. His son and daughter in law were residing elsewhere. The applicants had looked after him. He submitted that, there was no coercion and it was impossible that sale deeds could be registered in that fashion. He submitted that the delay in lodging of F.I.R. is also not

explained. He submitted that the informant had also sold his flat to the present applicants. He submitted that, in this particular transaction the informant's son has already filed a civil suit which is pending before a civil court. He further submitted that, at present, the land which is the subject matter of the F.I.R. is still in possession of the informant and his son. He submitted that the informant and the applicants are closely related. In this background their custodial interrogation is not necessary.

5. Learned APP, as well as, learned counsel for the informant opposed this application. They submitted that, at this stage, there is no reason to doubt the version of the first informant. The applicants had tried to usurp his property fraudulently and by issuing threats. In May, 2019, the informant's son had approached the police and had lodged an F.I.R. against the applicants for some fraudulent transaction in respect of withdrawal of money in the name of informant's son. They, therefore, submitted that the applicants are in the habit of committing such offences.

6. I have considered these submissions. The sale transaction which is the subject matter of the present F.I.R. had

taken place in the month of March, 2019 and the F.I.R. is lodged in November, 2019. Learned APP could not explain as to why the F.I.R. was not taken in May, 2019 in respect of this subject matter when the informant's son had lodged his different F.I.R. in respect of some bank account. The delay in lodging the F.I.R. remains unexplained. Importantly, it is difficult to accept that the informant would not have made any grievance in the Sub Registrar's office when he had signed those sale deeds and got them registered. Even thereafter he had not made any grievance to any of the authorities. Therefore, at this stage, it is difficult to believe that the sale deeds were executed and registered against his wish and under some coercion.

7. The submission of learned APP, as well as, the learned counsel for the intervenor that, there are other offences registered against the present applicants does not really affect the present case, because this case will have to be judged on its own facts. All the parties are closely related. There are civil suits pending in respect of the same subject matter, therefore, at this stage, custodial interrogation of the applicants is not necessary. They can

be directed to attend the concerned police station and can be directed to co-operate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 831 of 2019 registered at Sadar Bazar Police Station, Solapur, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.
- (iv) In view of disposal of this anticipatory bail application, nothing survives in the Interim Application No.909 of 2020. Hence, it is disposed of as infructuous. In any case, I have heard learned counsel for the Intervenor.

(SARANG V. KOTWAL, J.)