

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

ANTICIPATORY BAIL APPLICATION NO. 395 OF 2021

Sunil Pandurang Khedekar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Amit Icham, for the applicant.
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
Pl Mr. S.P. Salgaonkar, Wanawadi Police Station, Pune
present.

CORAM: SARANG V. KOTWAL, J.
DATE : 11th FEBRUARY 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 833 of 2020 registered at Wanawadi Police Station, Pune, on 22/9/2020 under Sections 420, 406, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Amit Icham, learned Counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR was lodged by one Uttam Kedari. He has stated that he has an agricultural land at village Garade, Taluka Purander, district Pune. He was knowing Vinod Dhone and Sachin Dhone who were residents of that village. They told the informant that they had entered into an MOU in respect of the land situated at gat No. 1906 admeasuring 2 hector 88 R with the owners i.e. the present applicant, Ravindra Barate and Laldas Maruti Jori (deceased). MOU was entered into on 7/11/2013 for Rs. 1,00,80,000. It was notarised. Based on this notarised document, the informant and his brothers decided to purchase that land from Vinod Dhone and Sachin Dhone for Rs. 1,54,80,000/-. An advertisement to test marketable title was published in a newspaper on 29/05.2014. The informant paid about Rs. 18 lakhs to Vinod Dhone and Sachin Dhone. There are allegations that the said notice was published with consent of all the original owners including the present applicant. Subsequently, the MOU was not honoured by Vinod

Dhone and Sachin Dhone and instead the land was further sold to Vijay Dhone, Atul Mhaske, Sandeep Landge and Yogesh Bhilare. The money taken from the informant was not returned and therefore this FIR is lodged.

4. The learned Counsel for the applicant submitted that co-accused who has similar case i.e. Nanda Laldas Jori and Rajashri Choudhary are granted anticipatory bail by this Court (Coram:- Smt. Bharati Dangre J.) vide Order dated 28/10/2020 passed in Anticipatory Bail Application Stamp No. 3460 of 2020. Similarly, co-accused Rakesh Jori is also granted anticipatory bail vide order dated 4/11/2020 passed in Anticipatory Bail Application Stamp No. 3838 of 2020. He submitted that their role is exactly same as that of the present applicant and therefore, on the ground of parity, he deserves same protection.

5. Learned APP opposed this application on the ground that the main role was that of the present

applicant and other co accused Barate.

6. I have considered these submissions. As rightly submitted by the learned Counsel for applicant, co-accused Nanda Jori, Rajashri Choudhary and Rakesh Jori are granted anticipatory bail by this Court who are similar placed. The main accused Sachin Dhone and Vinod Dhone as of today, are released on bail by the trial Court. The allegations in the FIR are mainly directed against Sachin Dhone and Vinod Dhone. The informant has paid money to these two persons. Considering all these aspects, the applicant will have to be treated in the same manner as Nanda Jori and Rakesh Jori and will have to be protected on the ground of parity.

7. Hence the following order.

ORDER

- (I) In the event of her arrest in connection with C.R. No.833/2020, the Applicant is directed to be released on bail on her executing P.R. bond

in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)