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

ANTICIPATORY BAIL APPLICATION NO. 483 OF 2020

VIPIN VASANT DESHMUKH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
ANTICIPATORY BAIL APPLICATION NO. 176 OF 2020**

MANGESH DATTATRAYA MAVKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. G.S. Jadhav for the applicant in ABA/483/2020.
Mr. Aniket Nikam a/w. Mr. Aashish Satpute i/b. Mr. V.N.
Arote for applicant in ABA/176/2020.
Mr. N.B. Patil, APP for the State.
Mr. Y.R. Bansode, ASI, Lonavala Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 7, 2021

P.C. :

Heard learned counsel for the applicants.

2. The applicants are apprehending arrest in C.R.No.I-327/2019 registered with Lonavala Rural Police Station for the offences punishable under Sections 420, 464, 465, 468, 471 read with 34 of the Indian Penal Code.

3. The First Information Report (FIR) is dated 28/12/2019. It is the case of the complainant that he was induced to purchase the property at Lonavala of the ownership of Francis Migel Koli. The complainant parted with the amount Rs.89 lakhs in favour of Mr. Francis Migel Koli. At the time of the negotiation in November 2018, the complainant was introduced to one person by name Francis Migel Koli. At that point of time the applicant in ABA No. 483/2020 (Vipin Vasant Deshmukh) was the one who introduced the complainant to Francis Migel Koli. An earnest amount of Rs.1,44,560/- was paid.

4. Thereafter on 28/2/2019 the complainant was at the site for effecting measurements. The applicant – Vipin Deshmukh along with other applicant in ABA No. 176/2020 (Mangesh Dattatraya Mavkar) were present. The applicant - Mangesh Mavkar as well as others informed the complainant that the land in question belongs to Francis Migel Koli. The land was measured in their presence. A sum of Rs.10 lakhs was paid by the complainant to the person who the applicants said was Francis Migel Koli. At this point

of time even the applicant Vipin Deshmukh was present. From time to time the complainant paid a sum of Rs.89 lakhs to Francis Migel Koli and the applicants. The applicant – Vipin Deshmukh was in receipt of Rs.53,84,000/- of which Rs.16 lakhs was transferred in favour of the applicant – Mangesh Mavkar.

5. While granting interim protection, this Court on 22/1/2020 recorded the statement made on behalf of the applicant – Mangesh Mavkar that to show his bonafide without admitting the guilt, the applicant is willing to deposit the amount of Rs.16 lakhs. The order has since being complied with.

6. At the time of introducing Francis Migel Koli to the complainant, reliance was placed on his Aadhar card. The complainant after going through 7/12 extracts suspected that there is some foul-play. He therefore made inquiries with the relatives of Francis Migel Koli whose names were recorded in 7/12 extracts. The complainant was shocked to learn that the photograph on Aadhar card projected to be that of Francis Migel Koli is not that of real Francis Migel

Koli. Someone impersonated Francis Migel Koli. The complainant along with one of his friend on 8/10/2019 went to the address which was shown on the Aadhar card when they learnt that the photograph on the Aadhar card is in respect of person who is known by the name 'Raju'.

7. Learned APP, on instructions of the investigating officer who is present in the Court, pointed out that the Aadhar card is fabricated and bogus and the photograph on the Aadhar card is not that of real Francis Migel Koli. It is the applicant Vipin Deshmukh allegedly introduced Raju, who impersonated Francis Migel Koli. Even the applicant – Mangesh Mavkar was present at the time of measurements. The applicant – Mangesh Mavkar and others pointed out that the person concerned is Francis Migel Koli.

8. Learned counsel for the applicants submitted that Francis Migel Koli was introduced to the complainant in November 2018 and thereafter it is the complainant's own case that in the month of February, 2018, the applicants represented an old man to be Francis Migel Koli, despite which the complainant proceed with the transaction. The

investigation revealed that Francis Migel Koli died in the year 2008. The applicants are recipients of huge sums of money from the sale proceeds. The Aadhar card is fabricated. Raju is yet to be traced and it is obvious that the applicants knew Raju well. For all these reasons, in my opinion, the custodial interrogation of the applicants is necessary. Though learned counsel appearing on behalf of the applicant – Vipin Deshmukh submitted that the applicant is willing to deposit a sum of Rs.53 lakhs as a condition for grant of pre-arrest bail, considering the gravity of the offence, I am not inclined to accede to this request.

9. The amount which is deposited by the applicant - Mangesh Mavkar pursuant to the interim order passed will abide by the decision of the trial Court.

10. The applications stand rejected.

11. At the request of learned counsel for the applicant, the interim order which is operating in ABA No. 176 of 2020 to continue for a further period of six (6) weeks from today.

(M.S.KARNIK, J.)