

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

ANTICIPATORY BAIL APPLICATION NO. 1331/2021

Ankush Kashinath Jankar
and Ors.

.....Applicants

V/s.

State of Maharashtra
Through Sangola Police Station

....Respondent

* * * *

Mr. Tushar Sonawane, Advocate for the applicant.

Mr. S.R. Agarkar, APP for State.

**CORAM : SANDEEP K. SHINDE, J.
(through Video Conference)**

Wednesday, 2nd June, 2021.

P.C. :

1. Heard learned Counsel for the applicants and learned APP for State.

2. Apprehending arrest in connection with Crime No.326/2021 registered with Sangola Police Station for the offences punishable under Sections 420, 506 read with Section 34 of the Indian Penal Code and Sections 39 and 45

of the Maharashtra Money Lending (Regulation) Act, 2014, the applicants seek pre-arrest bail.

3. Complainant's father, Shivaji Pandurang Jankar vide registered sale-deed dated 30th January, 2015 sold land admeasuring 0.60 ares to the applicants for consideration. Complainant was a witness to the registered sale-deed.

4. In 2021, son of Shivaji alleged that true nature of transaction was not outright sale but it was a sale with condition to repurchase. He alleged, property was mortgaged as a security and his father never intended to sell it to the applicant.

5. The execution of the sale-deed is not in dispute. If at all, it was a sale with a condition to repurchase, the father of the complainant ought to have instituted the suit for appropriate reliefs. Besides, if at all it was a money lending transaction, the father of the complainant would have taken a recourse to Section 18 of the Maharashtra Money Lending (Regulation) Act, 2014. Nothing has been done by the father of the complainant to secure his interest in the property. In consideration of the facts of the case

and for the reasons stated, the application is allowed and hence the following order :

ORDER

(i) In the event of arrest of the applicant in Crime No. No.326/2021 registered with Sangola Police Station, he shall be released on bail on executing P.R. bond for the sum of Rs,25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer as and when called till further orders and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. The application is accordingly allowed and disposed off.

6. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

(Sandeep K. Shinde, J.)