

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

ANTICIPATORY BAIL APPLICATION NO.1414 OF 2021

Gautam Jayantilal Solanki	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr.Aniket Nikam a/w Vivek N. Arote, Advocate for Applicant.
- Smt.J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JUNE, 2021
(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.72/2021 registered with Faraskhana Police Station, Pune, under sections 406, 420, 409, 384, 387, 120-B, 504, 506 r/w 34 of the Indian Penal Code.
2. The FIR is lodged by one Rajaram Baban Gogawale. He has stated that in April 2016, the Applicant and other accused namely Randheer Solanki, who is Applicant's brother, Dilip Yadav, Sumit Sapte and Sagar Mujumale approached him. The informant's family was having a land at Gat No.270 at Sasewadi, Taluka Bhor, admeasuring 1 Hector 68.95 R. The Applicant and

others showed willingness to purchase that land. Price was fixed at Rs.93,00,000/-. On 09/05/2016, a sale deed was executed in the name of Applicant and his brother Randheer Solanki. The FIR mentions that the informant's family members were paid Rs.32.50 lakhs through 17 cheques. It was mentioned that the remaining 35 cheques for Rs.60.50 lakhs were go be given subsequently. The sale deed was registered. In the sale deed Sumit Sapte and Sagar Mujumale were shown as confirming parties. The FIR mentions that the informant approached the Applicant and his brother for payment of Rs.60.50 lakhs. But they refused to pay and threatened the informant. He was told to approach Dilip Yadav, Sumit Sapte and Sagar Mujumale. The informant approached them, but they did not make any payment. Dilip Yadav and Sumit Sapte threatened him with a revolver. On these allegations, the FIR is lodged.

3. Heard Mr.Aniket Nikam, learned counsel for the Applicant and Smt.J.S. Lohokare, learned APP for the State.
4. Mr.Nikam submitted that the other accused namely Sumit Sapte and Sagar Mujumale were the confirming parties

and the informant was not described as seller of the land. Mr.Nikan submitted that the Applicant has paid the entire consideration about of Rs.93 lakhs through cheques. The purchaser and the confirming parties amongst themselves had put names on those cheques for encashing them. Thus, as far as the Applicant and his brother are concerned, they had paid entire amount and they are entitled for the possession and enjoyment of the land in question. The Applicant has no concern as to how the amount was distributed amongst the purchaser and the confirming parties. Emphasizing on the fact that entire consideration was actually paid by the Applicant, Mr.Nikam submitted that the Applicant cannot be said to have committed any offence.

5. Learned APP opposed this application. She submitted that the Applicant was hand in glove with the confirming parties Sumit Sapte and Sagar Mujumale and therefore his role needs to be examined through custodial interrogation.

6. I have considered these submissions and in particular I

have perused the concerned sale deed. The sale deed mentions the Applicant and his brother as purchasers. Interestingly the informant himself is mentioned as one of the confirming parties. The other two confirming parties were Sumit Sapte and Sagar Mujumale as mentioned earlier. The sale deed shows different cheque numbers and amounts through which the entire consideration was paid. The sale deed itself mentions that the consideration amount was received and for that there was no complaint. The sale transaction involved a big amount and therefore the sellers cannot take shelter of the arguments that they were illiterate and therefore did not know what they were doing. The fact remains that it is a registered sale deed. The informant himself was one of the consenting/confirming parties. He has not explained this particular fact in his FIR. As rightly submitted by Mr.Nikam, the Applicant has paid entire amount and therefore he is entitled for the possession and other rights concerning said land. The Applicant has no concern with the distribution of amount between sellers and confirming parties. The incident of threatening the informant has not taken place in

Applicant's presence or in his office. Those allegations are restricted against Dilip Yadav and Sumit Sapte. In this view of the matter, the Applicant has sufficiently made out a case for protection of anticipatory bail order. His custodial interrogation is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.72/2021 registered with Faraskhan Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)