

No.2/3/4/2 at Walhekar Wadi, Chinchwad, Pune admeasuring 3 gunthas for Rs.6,75,000/-. The informant's mother had paid in cash for purchasing that land. However, the possession was not given since 2004. The informant and her mother were requesting the Applicant to execute the documents but he did not pay any heed. He demanded escalation of price as Rs.1 lakh per guntha. However after continuously pleading with him, on 14.02.2011 the sale deed was executed and registered. The first informant had stated that the amount of Rs.1,70,000/- is paid through cheque and Rs.5,05,000/- is paid as cash amount. The informant had prepared a Demand Draft of Rs.7,52,063/- but the Applicant refused to take that Demand Draft and he wanted money in cash. Therefore, the entire amount was paid in cash. The case of the informant is that she repeatedly asked for possession of that land but it was never given. Whenever the informant went to the spot to take possession, some third person was claiming rights over their property. The Applicant then promised to give other land at the different place. The same thing was repeated there and on 6 to 7 occasions different pieces of land were shown to the informant but every time some other person claimed right over the property. The informant realized that she was cheated and she made a complaint in February, 2021. Even thereafter, he tried to enter into

transaction regarding some other piece of land at Walhekarwadi. But that land was also claimed by one Sachin Chinchwade. Thus, in short the Applicant was cheating the informant and hence, the F.I.R. is lodged.

3 The learned Counsel for the Applicant submitted that its a civil dispute. The Applicant has filed a civil case against the informant. He submitted that the piece of land is still lying vacant but the informant was not taking possession. He submitted that the Applicant is suffering from liver cirrhosis and, therefore, Applicant be granted anticipatory bail.

4 The learned A.P.P opposed the application. He submitted that the informant is cheated over a long time. Her amount was misappropriated by the Applicant. He showed different land but every time it was claimed by somebody else. At the first instance also the land which was sold to the informant was claimed by a third person. The Applicant himself has challenged the mutation entry where the informant's name was shown. This shows that the Applicant never had intention to honour his commitment and he did not part with possession of any property. The offence is made out. A poor lady is cheated and she is not given any piece of land.

5 I have considered these submissions. The submissions of the learned A.P.P. has considerable force from the allegations and the investigation. It is more than clear that the Applicant never had bonafide intention. He has misappropriated the amount. The learned Counsel for the Applicant has submitted that the Applicant is suffering from liver cirrhosis. The investigating agency of course will have to take care of the Applicant in case they want to arrest him. In case of arrest, the investigation agency shall provide all the necessary medical treatment to the present Applicant. Otherwise on merits, the Applicant has not made out any case for protection of anticipatory bail order.

6 Hence, the application is rejected.

(SARANG V. KOTWAL, J.)

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WAGHMARE
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signed by
WAISHALI
SUSHIL
WAGHMARE
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