

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1512 OF 2019

Sitaram Soma Dhanu	..Applicant
V/s.	
The State of Maharashtra	..Respondent

**WITH
INTERIM APPLICATION NO.148 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1512 OF 2019**

Amit Mahendra Ruparel	..Applicant
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IN THE MATTER BETWEEN

Sitaram Some Dhanu	..Applicant
V/s.	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2255 OF 2019**

Rekha Gaitonde	..Applicant
V/s.	
The State of Maharashtra	..Respondent

**WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2298 OF 2019**

Vasant Sitaram Dhanu	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr.Niranjan Mundargi a/w Mr.Harish Khedkar, Ms.Neha Sonawane, Mr.Yash Abhay Kullarwar i/b Vis Legis Practice for the Applicants.

Mr.Kapil Dave for the Applicant in IA No.148 of 2019.

Mrs.Veera Shinde, APP for the Respondent-State.

Mr.Prakash Sutar, IO, API of Khar Police Station is present in Court.

CORAM : C.V. BHADANG, J.

DATE : 4 SEPTEMBER 2021

P.C.

. The Applicant who are the co-accused are seeking anticipatory bail in connection with the investigation of Crime No.36 of 2019 of Khar Police Station under Section 416, 417, 420, 465, 467, 471 read with Section 34 of the Indian Penal Code ('IPC' for Short).

2. The complainant Amit Ruparel is in the business of development of Real Estate. The complainant had approached the Applicant Sitaram Dhanu for development of the land Survey No.241, Hissa No.4 (P) of Sitaram Dhanu. The complainant was informed that the said land was purchased in the name of Mathura Sitaram Dhanu wife of the Sitaram Dhanu and after her death the land was standing in the name of Sitaram along with his

son Vasant Sitaram Dhanu and two married daughters Rekha Ajit Gaitonde and Panna Sanga. The co-accused Siddharth Vasant Dhanu happens to be the son of Vasant. According to the complainant he was asked to deal with Siddharth in respect of the transaction. According to the complainant it was informed to him that the original document under which the property was purchased in the name of Mathura Dhanu was misplaced. Sitaram Dhanu executed a deed in favour of the complainant on 28 March 2011 purportedly on the strength of three Release Deeds one each by Vasant, Panna Sanga and Rekha. Out of the three Release Deed's the Release deeds dated 24 February 2011 executed by Vasant and one dated 15 March 2011 executed by Rekha are not disputed by Vasant or Rekha. It is only the married daughter Panna Sanga of Sitaram Dhanu who is disputing her signature on the purported Release Deed dated 25 March 2011. According to her said Release Deed is executed by somebody by impersonating as Panna Sanga. It appears that Panna Sanga has filed a Civil Suit, which is pending.

3. I have heard the learned counsel for the parties. Perused record.

4. It transpires during the course of the hearing that partial investigation is complete and charge-sheet has already been filed by the Investigating Officer. The learned counsel for

the Applicant pointed out that the accused Siddharth was released on default bail under Section 167(2) of Cr.P.C. It is pointed out that the consideration of Rs.5 Crores in respect of Deed dated 28 March 2011 was transferred in the account of Sitaram Dhanu. The learned counsel for the applicant pointed out that there was a statement made on 17 September 2019 by the Investigating Officer that said amount was withdrawn by Siddharth. It is thus pointed out that none of the applicants cannot be said to be the beneficiaries of the transaction except Rekha who is alleged to have received an amount of Rs.11 lakhs as a consideration for execution of the Released Deed dated 15 March 2011. The learned counsel for the applicant pointed out that Sitaram Dhanu is aged about 92 years and is infirm.

5. The learned Additional Public Prosecutor points out that the original document dated 25 March 2011 has not been furnished by the applicants to which it is submitted on behalf of the applicants that the same has been produced by Panna Sanga in the Civil Suit. It is pointed out that it is a registered document.

6. I have considered the circumstances and the submissions made. As noticed earlier only Panna Sanga who is a married daughter of Sitaram Dhanu, is disputing the Release Deeds dated 25 March 2011 by Vasant and Rekha are not disputing the Release deeds executed by them. The record

discloses that the amount of the consideration was transferred to the account of Sitaram Dhanu and Investigating Officer stated on 17 March 2019 that the amount was withdrawn by Siddharth who has already been released on bail albeit on default bail. The partial investigation is stated to be complete and the charge-sheet is filed including against the present applicants. By an order dated 17 September 2019 while granting interim protection the applicants were directed to attend the Investigating Officer. The Investigating Officer states that accordingly the applicants have co-operated in the investigation.

7. Considering the overall circumstances, and having regard to the age of the applicant Sitaram Dhanu and the fact that the applicants Vasant and Rekha are not disputing the Release Deeds executed by them, I find that the interim protection granted to the applicants on 17 September 2019 deserves to be confirmed.

8. In the result, the following order is passed.

ORDER

(i) In the event of their arrest in connection with investigation of Crime No.36 of 2019 of Khar Police Station, the applicants be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each

with one or two solvent sureties each in the like amount.

(ii) The applicants shall attend the Investigating Officer as and when required and shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

(iii) In the event of breach of any of the conditions the bail is liable to be cancelled.

(iv) In view of the disposal of the application the application for intervention is disposed of.

C.V. BHADANG, J.

**NILAM
SANTOSH
KAMBLE**
Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2021.09.06
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