

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

ANTICIPATORY BAIL APPLICATION NO. 1575 OF 2019

Jayant Maniklal Lunawat

..Applicant

v/s.

State of Maharashtra

..Respondent

Mr. Niranjan Mundargi for the Applicant.

Mr. Girish Kulkarni a/w. Mrunalini Mithe, Santosh Avhad i/b. Jaykar
& Partners for the Respondent No.2.

Mr.S.V. Gavand, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26th AUGUST, 2021.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.607 of 2019 registered with Chatursinghi Police Station, Pune, for the offence under Section 406, 409 and 420 of the Indian Penal Code.
2. Heard Mr. Niranjan Mundargi, learned Counsel for the Applicant, Mr. Girish Kulkarni, learned Counsel for the Respondent No.2 and the learned APP for the State.
3. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

4. Crime against the Applicant was registered pursuant to the first information report lodged by one Anand Umashankar Gupta. The allegations against the Applicant in brief are that the Applicant herein has executed a Deed of Conveyance dated 09.07.2009 without any authorization in favour of Shree Shree Gurudev Realities. The first informant had alleged that the Applicant had only development rights and that he was not given any power or authority to execute the Deed of Conveyance. It is further stated that the Applicant had prepared false bills and shown false income and expenditure in the balance sheet.

5. The records reveal that civil dispute is pending between the parties, and the matter is presently pending arbitration before the Hon'ble Justice (Retd.) B.N. Srikrishna. The Applicant herein had filed a statement of claim in the said arbitration proceeding on 13.4.2013 wherein reference to the Deed of Conveyance was made. The first informant had filed a suit in the year 2016 for cancellation of the said Deed of Conveyance on the ground that the Applicant had only Development rights and the Deed of Conveyance was executed without any authority. The FIR is lodged in the year 2019 i.e. about six years from the date of knowledge of the execution of the Deed of Conveyance. Prima facie, there is no explanation as regards delay in

lodging the FIR. Considering all these aspects, this Court (Coram: Revati Mohite Dere, J.) had granted interim protection to the Applicant by order dated 19.07.2019 with direction to report to the Investigating Officer on the date specified in the order. It is stated that the Applicant has reported to the Investigating Officer and has co-operated with the investigation. Ld. APP also concedes that the investigation is almost completed and that the chargesheet would be filed in due course.

6. Considering the above facts, more particularly, the delay in lodging the FIR, and the nature of the allegations leveled, in my considered view, this is not a case which would justify custodial interrogation. Hence the application is allowed on the following terms and conditions:-

- i) In the event of arrest of the Applicant in Crime No. 607 of 2019 Registered with Chatursinghi Police Station, Pune, the Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two solvent sureties in the like amount;
- ii) The Applicant shall not interfere with the witnesses, or tamper with the evidence in any manner;
- iii) The applicant shall keep the Investigating Officer informed of

his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time;

. Application is accordingly disposed of.

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(ANUJA PRABHUDESSAI, J.)