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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2367 OF 2021
WITH
INTERIM APPLICATION (ST) NO.15712 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.2367 OF 2021**

Shri Sujeetkumar Jeetpratap Singh	 Applicant.
V/s	
The State of Maharashtra	 Respondent.

**WITH
ANTICIPATORY BAIL APPLICATION NO.2347 OF 2021**

Pravin Ashok Mahadik	 Applicant.
V/s	
The State of Maharashtra and Anr.	 Respondents.

Mr. Ashok Mundargi, Sr. Advocate i/b Mr. Abhishek Yende for the Applicant in ABA/2367/2021.

Mr. Rameshwar Gite for the Intervener/original complainant.

Mr. Raju D. Suryawanshi for the Applicant in ABA/2347/2021.

Mrs. Rutuja Ambekar, APP for the State.

API Mr. Mahendra V. Choudhari, Police Station MFC, Thane City, present.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 08, 2021

P.C.:-

1] Heard Mr. Mundargi, learned Senior Counsel assisted by learned

Counsel Mr. Asbhishek Yende in ABA No.2367 of 2021 and learned Counsel Mr. Raju Suryawanshi in ABA No.2347 of 2021.

2] Prosecution case against the present Applicants is, land bearing Survey Nos. 52/7/B1, 27/3/B, 27/4/B at Mouje Gauripada, Taluka Kalyan, District Thane is owned by Bipin, son of Narayan Gade. The said informant succeeded to the property as an heir and through other mode. It is claimed that Applicants/accused persons with common intention have shown one Shashikant Suryawanshi as a sole legal heir of Pandurang Vishnu Gade, prepared false and fabricated documents, thereby showing him as legal heir of Pandurang Vishnu Gade and got his name mutated in revenue record vide Mutation Entry No.562. Though said Shashikant was by no stretch of imagination could be termed as legal heir of deceased Pandurang, got executed Power of Attorney in favour of co-accused Pravin Mahadik, based on which Sale Deed was executed in favour of the Applicant/Accused Sujeetkumar Singh. Since the aforesaid cheating was discovered, Crime No.508 of 2021 for the offence punishable under Sections 420, 406, 467, 468, 471, 493, 198, 199, 200, 34 of the Indian Penal Code came to be registered.

3] Mr. Mundargi, learned Senior Counsel appearing for the Applicant in ABA No.2367 of 2021 while trying to make out a case for grant of bail would submit that Applicant is falsely implicated in the crime. According to him, Pandurang Vishnu Gade died on 06/09/1961 and co-accused Pravin Mahadik through his wife's side succeeded to the property in question. By relying on certain documents and other revenue record, Mr. Mundargi would urge that Applicant is a purchaser of the property for valuable consideration, that too after taking relevant precaution i.e. issuing public notice etc. In the aforesaid backdrop, he would claim that rather seller/co-accused has practised fraud on the Applicant and that being so, on the one hand Applicant has lost the amount paid towards consideration and on the other he is also booked for criminal offence. He would claim that the offence is based on documentary evidence and that being so, Applicant is entitled for protection as documents are very much available for Investigating Agency.

4] Similar arguments are made by the learned Counsel appearing for the Applicant in ABA No.2347 of 2021.

5] Mrs. Rutuja Ambekar, learned APP would strenuously oppose the prayer for bail. According to her, there is enough material on record to infer prima facie involvement of the Applicant in crime in question. According to her, Applicant Sujeetkumar Singh was very well aware about defective title and as such purchased the property in question at much cheaper rate than market value as he was knowing the risk involved in the matter. She would try to substantiate her contentions based on material available on record viz. Sale Deed, Power of Attorney and consideration paid.

6] Considered rival submissions.

7] The original owner Pandurang Vishnu Gade was grandfather of the complainant Bipin. One Sakharam Khaire was maternal grandfather of Pandurang who purchased the said property vide registered Sale Deed dated 20/3/1929. Sakharam Khaire bequeathed aforesaid property in favour of Pandurang and this is how revenue record depicts title of the deceased Pandurang to the property. It could be inferred from the record that father of complainant Bipin i.e. son of Pandurang, succeeded to the property. Co-accused Shashikant

Suryawanshi claiming to be the sole representative of deceased Pandurang without any authority of law got his name mutated in the revenue record on the basis of forged documents. Mother of co-accused Shashikant i.e. Godavari was shown to be died and death certificate issued by Pune Municipal Corporation was brought on record by the said accused. The aforesaid move was made by accused No.1 so as to demonstrate that accused No.1 could be shown as nephew of deceased Pandurang and as such could succeed to the property in regard to which offence is committed. Death Certificate of deceased Godavari is found to be a forged document as Godavari is still alive and Corporation confirmed that no such Death Certificate was issued. Apart from above, said Godavari is having more than one child and Accused No.1 is in no way connected in the capacity of nephew of deceased Pandurang. Sale Deed executed by accused No.1 Shashikant in favour of Applicant Sujeetkumar Singh and his partner for consideration of Rs 1 crore is far below the market value as was existed at the relevant time. At the relevant time, ready reckoner market price of the property is shown to be Rs 19,16,39,500/-. Apart from above, accused Shashikant who is shown to be an employee of Applicant Sujeetkumar, opened Current Account in the name of

Shashikant in Axis Bank and deposited two cheques worth Rs 50 lakhs which amount was later on withdrawn. The aforesaid transaction on the part of Applicant/Accused Sujeetkumar speaks of he, in connivance with Accused No.1, practised fraud on the complainant. In the aforesaid backdrop, there is enough material to infer Applicant Sujeetkumar's prima facie involvement in the offence in question. All the aforesaid facets based on available evidence against the Applicant indicating his prima facie involvement in the offence have been in detail noted by the Sessions Court while rejecting the bail.

8] In that view of the matter no case for bail is made out for the Applicant in ABA No.2367 of 2021. Application as such fails and same stands rejected. As a consequence IA (St) No.15712 of 2021 stands disposed of.

9] Similarly, Applicant/Accused Pravin Ashok Mahadik in ABA No.2347 of 2021 has come out with a case that he is in no way connected with the offence in question as he is working as clerk in the office of Advocate and he has only assisted Accused No.1 in execution of Sale Deed as was instructed by his Master. The available record

rather depicts that said accused has acted as Power of Attorney holder for Accused No.1 Shashikant in executing Sale Deed of property in favour of co-accused Sujeetkumar Singh and he can be inferred to have been acted in connivance with the said accused with common intention. The entire gamut of the matter prima facie depicts involvement of the Applicant in the crime. As such ABA No.2347 of 2021 also stands rejected.

(NITIN W. SAMBRE, J.)