

ANTICIPATORY BAIL APPLICATION NO. 2720 OF 2018

Motilal Babulal Jain

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ajay Patil, A.P.P for the Respondent–State

ASI Mr. R. A. Patil from Dahanu Police Station, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 7th SEPTEMBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-116/2015 registered with the Dahanu Police Station, Dahanu, Palghar, for the alleged offences punishable under Sections 420, 467, 468, 471, 472, 506 r/w Section 34 of the Indian Penal Code.

3 Vide order dated 8th January 2019, this Court (Croam : Prakash D. Naik, J.) granted interim protection to the applicant on certain terms and conditions. The applicant was asked to submit the original documents in relation to the Sale Agreement dated 1st August 2016, 22nd August 2016 and Power of Attorney dated 13th October 2017. The applicant made a statement undertaking to furnish the said original documents before the police authorities.

4 Learned A.P.P states on instructions of ASI Mr. R. A. Patil from Dahanu Police Station, who is present in Court that the applicant has complied with the said direction and that he has submitted all the aforesaid three original documents as directed by this Court vide order dated 8th January 2019. He also states that the applicant has cooperated in the investigation.

5 Perused the papers. According to the prosecution, the complainant's nephew, the applicant and one other person had represented to the complainant that they were making arrangements for selling the property belonging to the complainant. Accordingly, the complainant was induced to execute a Sale Deed in respect of the complainant's property.

Power of Attorney was prepared in favour of the applicant for executing the said sale transaction. However, the said Power of Attorney was not used in performing the same transaction. According to the prosecution, the applicant along with others, induced the complainant to sell the property. While executing the said transaction in respect of one property, the same was sold to the applicant's daughter-in-law. According to the applicant, consideration was paid to the complainant for the said transaction. According to the complainant, her nephew (also a co-accused in the said case) misappropriated the said consideration in respect of the said transaction. The complainant's nephew was arrested and was subsequently released on bail. The persons who purchased the property have been granted pre-arrest bail. Since the case pertains to documents and since the applicant has submitted the original documents as stated aforesaid to the police, in the facts, custodial interrogation of the applicant is not warranted. Accordingly, the interim order dated 8th January 2019 stands confirmed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact or influence the complainant, witnesses or any person concerned with the case.

(iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the investigating agency.

6 The application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.