

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.710 OF 2022

Balaji Dagdu Patil ...Applicant.

VERSUS

The State of Maharashtra ...Respondent.

...

Mr. P.P. More, Advocate for the applicant.

Mr. V.S. Badakh, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : 14th JUNE, 2022.

PER COURT:-

1. Issue notice to the respondent, returnable forthwith.

Learned APP waives service of notice for the respondent-State.

2. Heard learned counsel for the applicant and learned APP for the State.

3. Learned counsel for the applicant has vehemently argued that the alleged document was executed in 2014. The sale transaction also bears the photograph of the complainant. Since 2014, no objection was raised against the said sale transaction. The identity proof of the complainant was also pasted on the sale. The registered document of sale has the presumption of genuineness. However, after the complainant lodged the report, he revealed that the fraud had been played with him. In fact, he has suffered the loss. He sold the

plot in question in the year 2015. He believed the person who appeared as a seller of the property in question was the true owner of the plot in question; therefore, the sale transaction was done.. However, to show the bonafide on instructions, he is ready to deposit Rs.15,00,000/- (Fifteen Lakhs) in two installments before the trial Court. The custodial interrogation of the applicant is not required. He is languishing behind bars since 19.04.2022. He has also undergone police custody. He has supported the investigation agency.

4. Learned APP strongly opposed the application and argued that the old lady had been cheated by the applicant. The applicant is a property broker. He was well aware that the person transferring the plot was not the true owner, and her identity card was forged. His conduct supports the prosecution's case that after purchasing the plot in 2014, immediately he sold it in 2015. He has gained huge profits from the transaction. There is the possibility that the applicant might have committed many such frauds. Hence, until the charge sheet is filed, he should not be released on bail.

5. *Prima facie*, the registered sale transaction is in favour of the applicant. The seller of the sale transaction was a resident of Osmanabad, and the property was situated at Latur. It may be probable that the applicant believed the person was the true owner of the property as she had shown him an identity card. Be that as it may, the registered document was in his favour. The identity proof

was also pasted on the sale deed. The transaction is for the year 2014. Till lodging the report, there were no complaints against the applicant. Besides this, to show his bonafide, on instructions, he is agreeable to deposit Rs.15,00,000/- (Fifteen Lakhs) in two installments with the trial Court. That apart, the material investigation against the applicant is over. He has been languishing in jail since April 2022. His further detention may not be fruitful. In the facts of the case, conditional bail may be granted to the applicant. Hence, the following order :

ORDER

- I) The application is allowed.
- II) The applicant, Balaji Dagdu Patil shall be released on bail in Crime No.219/2022 for the offence punishable under Sections 420, 467, 468, 471 r/w 34 of Indian Penal Code registered with MIDC Police Station, Latur on executing P.B. and S.B. of Rs.50,000/- (Fifty Thousand) with one or two solvent sureties in the like amount, on the condition that he shall deposit Rs.5,00,000/- (Five Lakhs) within four weeks from today and Rs.10,00,000/- (Ten Lakhs) within further four months thereafter, in the trial Court.
- III) He shall not withdraw the said amount till the conclusion of the trial.
- IV) He shall cooperate with the Investigating Officer and not tamper with the prosecution witness.

(4)

V) Bail before the learned trial Court.

VI) Hamdast allowed.

(S.G. MEHARE, J.)