

ANTICIPATORY BAIL APPLICATION NO.1400 OF 2022

Deepak Murlidhar Pagare And Others ...Applicants

Versus

The State Of Maharashtra And Others ...Respondents

Mr. A.S. Gandhi, Advocate for the applicants.

Mrs. P.V. Diggikar, APP for State.

Mrs. S.M. Zaware, Advocate for respondent No. 3.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th NOVEMBER, 2022

ORDER :

1. The applicants apprehend arrest in connection with Crime No. 14/2022 registered with Rahata Police Station for the offences punishable under section 420, 506 read with 34 of Indian Penal Code, 1860.

2. Informant Alka Rama Godse lodged First Information Report alleging that she was in need of money and therefore wanted to sale her land bearing Gut No. 3 admeasuring 80 Are situated at Village Kelwad. Applicants by pressurizing her got the sale deed of her land executed on 02.01.2022 without paying her any amount. Though, cheques were given by the applicants

at the time of execution of sale deed applicants did not have sufficient balance in their respective accounts. The informant is therefore cheated by the applicants in collusion with each other.

3. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for Respondent-State and learned advocate for respondent No. 3. Perused the investigation papers.

4. The learned advocate for the applicants strenuously submits that it is a civil dispute and the offence pertains to the documentary evidence and custodial detention and/or interrogation of the applicants is not warranted in the facts of the present case.

5. The learned Additional Public Prosecutor on the other hand vehemently opposed the prayer of the applicants. By referring to the investigation papers she submits that it appears from the investigation carried out so far that the applicants have cheated the informant. Though the applicants were repeatedly called by the investigating officer, they have not attended the police station and have not co-operated in the investigation. The

applicants have obtained two blank cheques from the informant which is unusual in the sale/purchase transaction. Original sale deed are to be recovered from the applicants and therefore custody of the applicants is necessary.

6. Affidavit of respondent No. 3 is filed for opposing the bail application. It is stated in the affidavit that the land under sale deed is situated near Shirdi International Airport and the applicants agreed to pay consideration of Rs. 93,00,000/- as per the prevailing market price. Instead of paying consideration amount to the informant, applicants have obtained two blank signed cheques from the informant and she was forced to execute the sale deed without paying any consideration amount. Threats of life were given to her and the applicants have systematically cheated her.

7. Considering the allegations made in the First Information Report and on going through the investigation papers, it is clear that the applicants presence is required for effective investigation and for recovery of original sale deed. The applicants have not co-operated in the investigation and have not attended the police station in spite of repeated calls by the

Investigating officer. Prima facie there appears substance in the allegations made in the First Information Report. In this view of the matter, applicants do not deserve discretionary relief. The application is therefore rejected.

[NITIN B. SURYAWANSHI, J.]