

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1974 OF 2021

Santosh Sadanand Mahadik and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Viraj V. Kadam, Advocate for applicant.

Ms.Arya Sapre i/by Mr.Harshad Bhadbhade, Advocate for respondent no.2.

Mr.A.A.Palkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th October 2022

PC :

1. The applicants who are arraigned as accused, have acted as agents and assisted the complainant for purchasing the piece of land, which according to the complainant was lacking in two things : first being there was reservation on the said land; and second being the said piece of land was already acquired. However, perusal of the Memorandum of Understanding executed between the complainant and the original owners reflect inclusion of one stipulation to the effect that the reservation of the land is known to both, the seller and the purchaser and it is agreed that after the land is sold, the reservation would be turned from Class-II to Class-I, which would entail them unrestricted rights of transfer of land. As far as the acquisition is concerned, learned counsel Mr.Kadam would submit that when 7/12 extract of the land is perused, it revealed that the land stands in the name of original owners. If any mala fides are to be attributed, they must stick to the original owners who according

to the applicants, have already received the amount after the land was acquired, but did not disclose the fact.

2. The application was heard on 26th August 2021 and at that point of time learned counsel for applicants had submitted that matter could be worked out and applicants are willing to pay brokerage amount which has been paid by the complainant qua the applicants who were assigned limited role.

3. Learned advocate for the applicants and respondent no.2 submits that dispute has been settled and entire amount of Rs.7.50 lakh has been paid to the complainant. Each of the applicant has parted amount of Rs.2.50 lakh. Learned advocate for respondent no.2-complainant confirms acceptance of amount. On instructions it is submitted that complainant has no objection for allowing this application.

4. Considering aforesaid circumstances this application can be allowed and disposed of :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed off;
- (ii) In the event of arrest of applicants in C.R No.58 of 2021 registered with Chiplun Police Station, District Ratnagiri, the applicants be released on bail on furnishing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report Investigating Officer as and when called for.

(PRAKASH D. NAIK, J.)