

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 130 OF 2022

Rajesh Nanu Bhai Patel	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Hemant Ingle i/b. Sugat P. Ingle a/w. Pratik P. Ingle for
Applicant.

Ms. S. S. Kaushik, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.422 of 2021 registered at Wadala TT Police Station, on 29/12/2021, under sections 406, 420, 465, 467 and 468 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Hemant Ingle, learned counsel for the applicant and Ms. Kaushik, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Jaywant Pawar. He has stated that, in the year 2007 he came in contact with the present applicant through a common

friend Pritam More. The first informant wanted a room. The applicant told him that one Minal Salvi had a room admeasuring 180 Sq.ft. He further told the informant that he also owned a similar room of the same area like Minal Salvi's room and wanted to sell his room. The price was quoted at Rs.3 lakhs. The informant paid Rs.3 lakhs to the applicant. The F.I.R. also mentions that the applicant told him that, there was another room belonging to one Subhash Panchal of the same area and it was also available for sale for the same price. For that purpose also the informant paid Rs.3 lakhs. Thus, in all, the informant had paid Rs.6 lakhs, but subsequently, no room was given to the informant. There are allegations that the applicant was given some forged documents purportedly concerning to one Dhondabai Pawar and Yesubai Sakpal. According to the F.I.R., these documents were forged documents and purportedly pertaining to MHADA. On these allegations the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the applicant had acted as a broker for transaction with Panchal. Money had gone to Panchal and if there is any dispute between

Panchal and the informant, the applicant cannot be held responsible. He emphasized that the alleged transaction was in the year 2007 and F.I.R. is lodged in December 2021. The delay is inordinate.

5. Learned APP opposed this application. She submitted that the applicant has committed similar offence and it is his *modus operandi*. He created fabricated documents.

6. I have considered these submissions. If the applicant has committed any other offence based on any other documents, the investigating agency is obviously free to take action against the present applicant by registering separate F.I.R. So far as, present F.I.R. is concerned, the F.I.R. itself shows that the transaction was from the year 2007 and the F.I.R. is lodged with inordinate delay in the year 2021. It is quite surprising that for some unknown reasons the first informant did not take any steps and did not make any grievance before the authorities. The applicant has acted as broker for transaction of Panchal's room. Considering this inordinate delay, that itself a ground for grant of anticipatory bail. It is made clear that if the applicant has committed any other

offence it can be investigated independently and that investigation, if any, shall not be influenced by this order. Mainly on the ground of inordinate delay in lodging F.I.R., which is unexplained, the applicant can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.422 of 2021 registered at Wadala TT Police Station, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)