IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.371 OF 2022

Mr. Shridhar Abhimanyu Alat ... Applicant
V/s
The State of Maharashtra ... Respondent

Mr.Sameer Pradhan, Advocate for the Applicant.
Ms.Sharmila S. Kaushik, APP for the State/ Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th FEBRUARY, 2022.

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.247 of 2021 registered with Versova Police Station under sections 452, 420, 465,467, 471 of IPC.

2. Heard Mr.Sameer Pradhan, learned counsel for the applicant and Ms.Sharmila S. Kaushik, learned APP for the State.

3. The FIR is lodged by one Sampat Sable on 16th June, 2021. He has stated that he has a flat No.603, C-Wing at Versova, Mangela Macchimar Samaj Sarvoday Co-operative Housing Society Limited. The informant’s son was staying in that flat. Since April 2020, because of the lock-down, he has

not visited the flat and he was residing at their other flat. In 2018 Administrator was appointed for controlling the affairs of the society. In February, 2021 the appointed Manager called the informant’s brother and asked whether that flat was sold to somebody else. The informant and his brother told that there was no such transaction. They were told that the present applicant had kept a tenant in the flat and he was claiming that the flat was purchased by him. The share certificates and the sale agreement copies were sent on whats-app to the informant. The informant was also shown a copy of NOC letter given by the society. The informant was convinced that based on these forged documents his flat was taken over illegally by the applicant. On this basis the FIR is lodged.

4. Learned counsel for the applicant submitted that, the applicant is a bonafide purchaser. He has purchased this flat from one Mr.Patni. He submitted that he was not knowing the informant. This is a result of the plan of said Mr.Patni. Therefore, the applicant is innocent.

5. The learned APP opposed this application. She submitted the report of the police officer addressed to the learned

APP dated 9th February, 2022. It is taken on record and marked"X" for identification.

6. According to learned APP, the investigation has revealed that the transaction was entered into by the applicant with a dummy person the informant's name was used. That person impersonated the informant. The price of the flat was shown transferred in an account which was already in the name of the first informant. However that account was not of the first informant and only his name was used. After the amount was deposited in the account it was transferred to one Patni and from there this amount was re-transferred to the applicant's account. Thus, the amount has come back to the applicant himself. Share certificates and NOC documents are forged documents. The applicant has used these documents to obtain loan from a bank.

7. Thus from the investigation it appears that the applicant is not a bonafide purchaser. This offence was committed with a definite fraudulent plan. The matter requires custodial interrogation of the applicant. The bank entry shows the fraudulent manner in which the money was circulated and it

has come back to the applicant. He has used a dummy person, opened a fake account in the name of the applicant. Role of one Patni is also significant. All this requires answers from the applicant.

8. In view of this, since the custodial interrogation of the applicant is absolutely necessary, no case for anticipatory bail is made out.

9. The application is rejected.

(SARANG V. KOTWAL, J.)