IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 405 OF 2022

Sonali Sahebrao Pawar ..Applicant
V/s.
The State of Maharashtra ..Respondent

Mr. Aniket Nikam a/w Mr. Chetan Bhosale for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent/State.
P.H. Sandip Pawar attached to Ambad Police Station, Nashik.

CORAM : C.V. BHADANG, J.

DATE : 16 FEBRUARY 2022

P.C.

1. The Applicant, apprehending her arrest, in connection with the investigation of Crime No. 56 of 2021 registered with Ambad Police Station, Dist.Nashik under Section 420, 406, 468, 471, 120-B read with Section 34 of I.P.C. is seeking pre-arrest bail.

2. The aforesaid offence is registered on the basis of the complaint dated 21.01.2021 lodged by Pratiksha Jundare. According to the first informant, she was acquainted with the Applicant. The Applicant is having a financial consultancy and had represented to the first informant that she has acquaintance with the members of the auction cell of Bank of Baroda. The

Applicant represented to the informant that if the informant invested amount, the plots/flats/shops due for auction can be purchased in the auction and sold for profit on market rate. The first informant had invested various amounts and the Applicant initially paid the profit out of the same.

3. It is material allegation that the first informant herself and her relatives/friends had invested an amount of Rs.72,18,600/-. However, the Applicant failed to repay the amount or the profit. It is at this stage that the Applicant represented to the informant that in consideration of the said amount, she will arrange for sale of two plots belonging to Mahesh Kapadnis and one plot of Vijay Bacchav at a concessional rate and the first informant can earn profit by selling the same at market rate and recover the amount.

4. On 08.03.2021, a sale deed was executed in the name of the informant in respect of a plot of Mahesh Kapadnis in which the identification of the vendor was made by Advocate Kshemkalyani. When the informant demanded the original sale deed, the Applicant represented that after execution of sale of remaining two plots in favour first informant, all the sale deeds will be handed over to her. However, subsequently, the Applicant started avoiding the informant. The informant subsequently learnt that plot city survey No. 2189 (survey No. 5814 layout plot No.22) which was subject matter of the sale deed dated

08.03.2021 was the ancestral property of one Shantaram Yashwant Katad.

5. In short according to the informant, the Applicant managed to execute the sale deed of plot No.22 by preparing a forged and fabricated Record of Right in the name of Mahesh Kapadnis and impersonating the vendor Mr. Mahesh Kapadnis.

6. It is also alleged that Advocate Kshemkalyani had identified the vendor and prior thereto had issued a public notice. It is alleged that inspite of an objection from the owner, he represented that there was no objection received and thus, the Applicant along with co-accused has cheated her with an amount of Rs. 72,18,600/-.

7. Secondly, according to the first informant, the Applicant had purchased a TATA Harrier car bearing No. MH-15-HG-7958 in the name of the informant. However, the same was being used by the Applicant and the Applicant failed to pay EMIs of the vehicle loan from October 2021.

8. On the basis of the aforesaid complaint, the offence is registered which is under investigation.

9. I have heard the learned counsel for the parties. Perused record.

10. Upon hearing the learned counsel for the parties and perusal of the record, it appears that there are Bank statements which show the payment/transfer of amount in favour of the Applicant and investigation needs to be done in these transactions in the contest of the allegations made by the informant. Not only that there are allegations of a representation being made to the Applicant that she can manage for sale of plots/flats/shops in favour of the informant in the auction sale conducted by Bank of Baroda and thereafter, can earn profit by selling them at the market price. There is an allegation of Applicant being induced to part with a huge sum of Rs.72,18,600/- and in consideration of that of execution of a sale deed dated 08.03.2021 impersonating the vendor and fabrication of Record of Rights. There is also an allegation about the Applicant using a TATA Harrier vehicle of the informant. The learned Sessions Judge has noticed that there is a vehicle sale agreement for Rs.30,00,000/- when the showroom price of the vehicle was about Rs.18,00,000/- to Rs.20,00,000/-. To put it shortly, the allegations are such which require to be investigated, which is the paramount consideration at this stage. In my considered view, the custodial interrogation of the Applicant is necessary for proper investigation of the matter. No case for grant of pre-arrest bail is made out.

11. The Criminal Application is rejected.

12. At this stage, the learned counsel for the Applicant seeks extension of the interim relief granted by the learned Sessions Judge which was operating in order to enable the Applicant to consider further course of action. The same is opposed by the learned APP on the ground that no interim protection was granted by this Court.

13. However, considering the fact that there was interim relief operating before the learned Sessions Judge, the same shall continue for a period of three weeks.

(C.V. BHADANG, J.)