

Andreza

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

BAIL APPLICATION NO. 1185 OF 2021

Pravin Ramchandra Gurav	... Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Sachin R. Pawar, Advocate for the Applicant.
Mr. A. R. Kapadnis, Additional Public Prosecutor for the Respondent-State.

WITH

BAIL APPLICATION NO. 3733 OF 2021

Sajjanrao Shrimant Patil	... Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Dharmanath Nana Gondhali, Advocate for the Applicant
Mr. A. R. Kapadnis, Additional Public Prosecutor for the Respondent-State.

CORAM: C. V. BHADANG, J
Reserved for Order on : 12th April 2022
Pronounced on : 25th April 2022

(Through Video Conference)

ORDER

1. Both these applications, seeking bail, arise out of Crime no 30/2018 PS Hinjewadi Pune, under Section 420, 423, 120B of the Indian Penal Code (IPC) and Section 13 of the Prevention of Corruption Act 1988.

2. The aforesaid offence is registered on the basis of the complaint dated 13.1.2018 lodged by Dhanshilan Damodaran Nair, the Assistant Director of Enforcement Directorate, Mumbai. He claims that in the year 2009 ECIR/65/MZO/2009 was received in his office disclosing that about 132 offences under the Prevention of Money Laundering Act 2002 were registered against City Limouzines (India) Ltd and its Chairman and Managing Director Sayyad Mohammad Masood and others at various places in Maharashtra and other states. The said offence was investigated by the Economic Offences Wing (EOW) and a chargesheet was filed before the Additional Metropolitan Magistrate Mumbai bearing CC no 109/2010. On the basis of the same ECIR/65/MZO/2009 was registered. It is the material allegation that the accused Sayyad Mohammad Masood through his Group Companies had through Ponzi schemes collected an amount of about Rs 500/- Crores by promising extraordinary returns.

3. From the funds so collected the accused had purchased 0.83 Hectares of land from out of S.No.220/1 and 220/5/5 Hingwadi tq Mulashi Pune through Raigarh Retreat Motels Pvt Ltd. in which the wife and the daughter of the accused Sayyad Mohammad Massod were the directors. Accordingly the said land has been attached on 15.7.2013. The said land was then sold to one Guddu of Sahil Realtors. Sahil Realtors has in turn sold the land to Hindavi Swarajya Trading Pvt Ltd (which is renamed as Hindavi Swarajya Corporation Pvt Ltd) of the applicant Pravin Gurav on 10.1.2014 without taking permission or informing the office of the Enforcement Directorate. Hindavi Swarajya Corporation Pvt Ltd (HSCPL) has constructed a residential flat scheme on the said land by name Utkarsh Cooperative Housing Society Ltd. and the tenements are sold to third parties. The gravamen of the allegations against the applicant Pravin Gurav (Accused no 4)

and the applicant Sajjanrao Patil (Accused no.5) are that they being the directors of HSPCL in conspiracy with the accused Sayyad Mohammad Masood have purchased the land knowing it to be subject matter of attachment by the ED. There are several accused in this case including the Sub Registrars who had registered the transfer deeds. The offence under the PC Act is against the Sub Registrars.

4. In this case the ED after investigation has filed a charge sheet on 30.1.2019 bearing Sessions Case no 6/2019. A supplementary Charge Sheet has been filed on 15.1.2020.

5. The learned Sessions Judge has refused to release the applicants on bail.

6. I have heard the learned Counsel for the parties. Perused record.

7. It is submitted by the learned counsel for the applicant Pravin Gurav that due diligence was done prior to purchase of the land and there was no intention to purchase the land in violation of the order of attachment. It is submitted that the investigation is complete and the charge sheet is filed. The evidence is of a documentary nature which is already seized. The amount involved is also mostly secured by way of attachment.

8. The learned counsel for the applicant, Sajjanrao Patil has submitted that the applicant became the director of the HSPCL after the transaction of purchase of the land and the applicant is a bonafide purchaser without notice of the attachment. It is submitted that the co accused having similar or even greater role have been released on bail

9. The learned APP has submitted that the offence is serious in nature, in which the land was purchased in spite of the knowledge of

the final attachment. It is pointed out that the tenements/flats in the building were sold to third parties. It is submitted that the applicant Sajjanrao Patil is shown to be associated with HSCPL since prior to his induction as a Director and is a close associate of the accused Pravin Gurav. The applicant has executed back dated possession letters of the flats, in order to get over, the order dated 6.9.2017 passed by Appellate Tribunal, under the PMLA. It is submitted that the completion certificate from the Pune Metropolitan Region Development Authority (PMRDA) is shown to be fake.

10. I have considered the circumstances and the submissions made. It is a matter of record that the development rights in respect of the OH.83R of land, from out of Survey no. 220, Hissa no.1 and 5/5, situated at Village Hingwadi, Mulashi District, Pune, were placed under provisional attachment on 25.03.2013 and subsequently the same has been confirmed by the adjudicating authority on 15.07.2013. It is further a matter of record that the Appellate Authority under the PMLA, had passed an order dated 06.09.2017, directing maintenance of the status quo in respect of the attached properties. It is further a matter of record that the Sale Deed executed in favour of HSCPL is dated 10.01.2014, which is subsequent to the order of attachment. The contention on behalf of the Applicants is that the Sale Deed was executed after due diligence including issuance of a public notice.

11. The learned Counsel for the Applicant Sajjanrao Patil, has pointed out that the Applicant became the Director of HSCPL after 2014 and was working as such Director for a limited period. It is significant to note that in this case, several co-accused namely accused nos. 1, 2, 3, 9 and 10 have been released on bail including Accused nos. 1, 2, 3 who have been released on bail by the learned Sessions

Judge, Pune. Accused nos. 9 and 10 have been granted anticipatory bail by the Additional Sessions Judge, Pune, while accused no. 13- Satish Tamaskar, who is an architect and who is facing charge of being instrumental in the fabrication of the commencement certificate, etc., in respect of the building, has been granted anticipatory bail by this Court by order dated 09.02.2021 in ABA No. 1112 of 2020. It is true that, one of the reasons for grant of anticipatory bail is that Mr. Satish Tamaskar is a cancer survivor. However, the fact remains that the other co-accused who are directly or indirectly associated with the execution of the Sale Deed or in some manner associated with the construction of the Utkarsh Co-operative Housing Society Limited, have been enlarged on bail. The evidence is mostly of documentary nature and has been seized. The subject properties have also been attached. The investigation is complete and the chargesheet is filed. The Applicant-Pravin Gurav was arrested on 19.11.2020 while the Applicant Sajjanrao Patil, was arrested on 30.05.2020 and are in custody since then. The offence of Prevention of Corruption Act is *qua* the sub-registrars. Considering the over all circumstances, I do not find any justification to detain the Applicants behind bars pending trial.

12. In my considered view, the Applicants can be admitted to bail subject to conditions. Hence, the following order:

ORDER

(i) The Applicants Pravin Ramchandra Gaurav and Sajjanrao Patil, be released on bail on execution of a PR bond in a sum of ₹ 1,00,000/- (Rupees one lakh only), with one or two solvent

sureties in the like amount to the satisfaction of the Trial Court.

(ii) The Applicants shall undertake to remain present during the course of the trial unless exempted.

(iii) The Applicants shall surrender their passports, if any, before the Trial Court and shall not leave India without the prior permission of the learned Trial Court.

(iv) The Applicants shall furnish their current residential address along with proof to the satisfaction of the learned Trial Court and shall keep the learned Trial Court informed about the change of address, if any.

(v) The Applicants shall not directly or indirectly make any attempt to contact or to influence the prosecution witnesses or otherwise tamper with the prosecution evidence.

(vi) In the event of breach of any of the conditions, the bail is liable to be cancelled.

C. V. BHADANG, J