

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

ANTICIPATORY BAIL APPLICATION NO. 972 OF 2022

Tushar Nilkanth Maind	 Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 1328 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 972 OF 2022**

Vikas Ramchandra Patil	 Intervenor
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In the matter between :-

Tushar Nilkanth Maind	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. R.D. Suryawanshi for the Applicant.

Mr. Rahul Arote a/w. K.S. Mohite i/b. Mr. Sushant Patil for the Applicant in IA/1328/2022.

Mrs. S.S. Kaushik, APP for the State.

Mr. Bhagwan Narayan, PSI, Murbad Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd MAY, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.43/2022 registered at Murbad Police Station, Thane for offences punishable under sections 420, 465, 467, 468, 471, 120-B r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Vikas Ramchandra Patil. It is the case of the complainant that he is the owner of land under survey no.37 situated at village Patgaon, Murbad. The co-accused Gangadhar Nivrutti Jadhav had impersonated the complainant and sold the land to the Applicant.

3. Mr. Suryawanshi, learned counsel for the Applicant states that the Applicant had issued an advertisement and also taken search report and upon being satisfied, he had entered into an agreement for sale. He states that the Applicant is a bonafide purchaser and not a conspirator.

4. Per contra, Mr. Rahul Arote, learned counsel for the complainant states that the photograph of the complainant is affixed on the document. If the Applicant had in fact verified the original sale deed as claimed by him, he would have known that the co-accused was not the owner of the land. He further states that the sale consideration as stated in the sale deed is Rs.2,18,00,000/- whereas only an amount of Rs.41,11,000/- has been transferred in the account of the co-accused. Furthermore, on the very next date, an attempt was made to change

the revenue records. The aforesaid circumstances sufficiently prove that the Applicant was not a bonafide purchaser but a conspirator.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

6. The records reveal that the complainant is the owner of land under Survey No.37 situated at village Patgaon, Murbad. The Applicant has purchased the said land vide sale deed dated 07/12/2021. It is not in dispute that the said sale deed has not been executed by the complainant and is executed by the co-accused Gangadhar Nivrutti Jadhav by impersonating the complainant. The records reveal that photograph of the complainant who is a true owner of the land is affixed on the sale deed.

7. The Applicant who claims to have verified the original document would have certainly known that the co-accused was not the owner of the land and that he was impersonating the complainant. The sale consideration as per the sale deed was over two crores. The accused was not in possession of the original documents and the contention of the Applicant that he had verified the original sale deed is prima facie

unbelievable. Entering in such transaction without ascertaining the identity of the vendor, further paying less than 50% of sale consideration and trying to change the revenue entries on the very next date are the circumstances which prima facie indicate that the Applicant is not a bonafide purchaser.

8. The above facts and circumstances and the material on record prima facie shows that the Applicant is not a bonafide purchaser but he is a conspirator. Hence, the matter needs to be investigated thoroughly. The role of other persons, if involved, needs to be ascertained. Under the circumstances, the Application stands dismissed. Interim Application stands disposed of in view of dismissal of the Anticipatory Bail Application.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.05.05
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(SMT. ANUJA PRABHUDESSAI, J.)