

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2062 OF 2021

Yogesh Baburao Kaikade & Anr. ...Applicants

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr.Niranjan Mundargi a/w Mr.Pandit Kasar for the Applicants.

Mr.Y.Y. Dabke, APP for the Respondent-State.

Mr.Ajinkya Udane for the Intervenor.

CORAM : C.V. BHADANG, J.

DATE : 2 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.47/2021 registered with Shivaji Nagar Police Station, under Section 406, 423 read with Section 34 of Indian Penal Code is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 18 June 2021 lodged by Aditya Sanjay Kanitkar. The Applicants happen to be the partner of Landson Reality, and project were proposing to develop a project named as Wood county at Mouje-Kashal, Taluka-Maval, District-Pune. The Applicants had advertised the said project in Times of India on 22 August 2014 professing to allot residential plots etc., to the prospective purchasers. In spite of the fact that the informant and

several others had paid the amount of the consideration and Sale Deeds have been executed, there is no layout of the plots which is sanctioned or demarcated on the location and according to the first informant the civic amenities such as electric supply, sheds and water supply have not been provided. On the basis of the such complaint the offence came to be registered which is under investigation.

3. I have heard the learned counsel for the parties.

4. It *prima facie* appears that, in spite of the fact that the transactions are of the year 2014 to 2016 till today, according to the informant the actual layout of the plot is not sanctioned or demarcated on the site nor any civic amenities are provided which according to the learned counsel for the Applicants an intention to practice deceit. A specific query was made to the learned counsel for the Applicants as to whether the land has been converted for non-agricultural use. In reply it is stated that the land is not converted to the non-agricultural use and continues to be agricultural land. It is not shown, as to how the representation to allot the residential plots could have been made, in the absence of the sanction of an authorized lay out.

5. Faced with these, the learned counsel for the Applicants made an alternate submission. It is submitted that

although Applicants are the partners of the said firm, the Sale Deeds and other documents have been signed by the Applicant No.2 Sanjay Baburao Kaikade who was actually dealing with the matter. The learned counsel for the Applicants on instructions states that the Applicant No.2 shall surrender before the Investigating Officer within a period of one week from today and the Applicant No.1 may be protected.

6. Although both the Applicants are shown to be the partners, it appears that the Sale Deeds have been executed by the Applicant No.2.

7. In the result the following order is passed.

ORDER

(i) The Application for pre-arrest bail of the Applicant No.2 Sanjay Baburao Kaikade stands rejected.

(ii) One weeks time is granted to the Applicant-Sanjay Kaikade to surrender before the Investigating Officer.

(iii) In the event of his arrest in connection with investigation of Crime No.47/2021 registered with Shivaji Nagar Police Station, the applicant No.1

Yogesh Baburao Kaikade, shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(iv) The applicant-Yogesh Kaikade shall report to the Investigating Officer on 14 and 15 March 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(v) The applicants shall not tamper with the prosecution evidence/witnesses.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.