

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 2627 OF 2021

Santosh Suyash (Sayas) Sutar ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Hakim Salim A. R. a/w. Ms. Mariyah Khatkhatay, for the Applicant.

Mr. N. B. Patil, APP for the Respondent / State.

API Kalyan Ghadge, Bhosari Police Station, Pimpri Chinchwad.

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. The Applicant, apprehending arrest, in connection with investigation of Crime No.490/2021 of Police Station Bhosari, District Pune, under Section 420 r/w. 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 28 July 2021 lodged by Vijay Sadanand Shelke. According to the informant, the Applicant and the co-accused Dnyaneshwar Dhanawade and Vilas Gamare had promised the Complainant to secure a job for his son in the Health Department and to nephew of

the informant in the Public Works Department and demanded Rs.28 Lakhs from the informant, asking him to pay 50% of the amount initially. According to the informant, he has paid an amount of Rs.12,95,000/- by way of bank entries to the Applicant from 2018 to 15 January 2020 and cash of Rs.9 Lakhs at Sheetal Baug, Bhosari, Pune. However, the Applicant has failed to secure the jobs as assured to his son and the nephew.

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

4. The learned counsel for the Applicant submitted that the Applicant is General Secretary of an organization, which is spreading awareness regarding corruption and thus, the Applicant had invited wrath of several Government employees. He submitted that the Applicant had not made any assurance to the informant to secure jobs for his son and the nephew as claimed. The learned counsel pointed out that the allegation is highly improbable as the Applicant is not expected to accept the amount of consideration, in such a case, by bank entries. It is submitted that no amount has been accepted in cash.

5. The learned counsel submitted that the informant was desirous of purchasing a land at Alibag and the Applicant had

showed him a land belonging to one Mohan Pankar, which was for sale. He pointed out that one Swapnil Nagwekar was the Power of Attorney (POA) of the owner of the said land and the amount of consideration was negotiated at Rs.6 Lakhs per gunta. He pointed out that the informant was interested in purchasing three guntas of land and the amount shown to be transferred in the account of the Applicant was towards the consideration for the said purchase of the land by the informant. The learned counsel pointed out that the Applicant has paid the said amount to Swapnil Nagwekar, the POA of the land owner. He submitted that however, the transaction did not materialise thereafter. In July 2021, the informant again expressed willingness to purchase the land for the same price. However, the land owner / POA were not prepared to sell the land for the same price and demanded consideration as per current market price which was not acceptable to the informant. He submitted that the informant had demanded amount of Rs.8,30,000/- from the POA and the Applicant and on account of the failure to refund the amount, the present complaint falsely implicating the Applicant has been lodged.

6. Learned APP submitted that the allegations are serious and for the purpose of proper investigation, the custodial interrogation of the Applicant, is necessary.

7. I have considered the circumstances and the submissions made.

8. *Prima facie*, it appears that there are bank entries showing payment of Rs.8,30,000/- by the informant. It is also alleged that in addition thereto Rs.9 Lakhs was paid in cash. Although, the Applicant claims that this was towards the consideration for purchase of the land at Alibag, there are no documents produced to show that there was any such transaction entered into between the informant and the POA of the land owner. That apart, even assuming that the Applicant had acted as a middleman, there was no reason for transfer of the amount of consideration to the Applicant which ought to be made to the land owner. A specific query was made to the learned counsel for the Applicant whether there is any entry showing that the amount of Rs.8,30,000/- is paid by the Applicant to the POA of the land owner. No such entry has been pointed out. Thus, the defence cannot *prima facie* be accepted, at this stage.

9. In my considered view, the proper investigation of the matter is a paramount consideration, at this stage, for which custodial interrogation of the Applicant is necessary. No case for grant of pre-arrest bail is made out. The Criminal Application stands rejected.

C.V. BHADANG, J.