

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.98 OF 2022

Amol S/o Ambadas Dhobale and another

Versus

State of Maharashtra, through P.S.O. Gadge Nagar, Tah. & Dist. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.V. Rai, Advocate for the applicants.

Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 15/03/2022

1. The applicants are seeking pre-arrest bail in Crime No.04 of 2022, dated 01.01.2022 registered with Police Station Gadge Nagar, District Amravati (City) against the applicants and one Mangesh Gangadhar Utane for the offence punishable under Sections 419, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and Section 82 of the Registration Act, 1908.

2. It is the case of the prosecution that complainant Kishor Virjibhai Patel gave report on 29.09.2021 against the present applicants and the accused No.3 that one unknown person who had impersonated the complainant before the Sub-Registrar, Amravati and sold out his plot in the name of applicant No.1 and thereby a false and forged document was prepared by the accused persons.

3. Shri Rai, learned counsel for the applicants submits that the applicants are not involved in the alleged offence. It is submitted that there is sufficient evidence to show that the applicant No.1 has deposited the amount of consideration towards the purchase of plot in question in the account of Kishor Virjibhai Patel. It is submitted that subsequently, on revelation of the fact that he had been cheated by the accused No.3, the accused No.3 executed an agreement for returning back the amount to the applicant No.1.

4. It is further submitted that the amount of Rs.9,00,000/- which was deposited subsequently on execution of sale deed, in the account of said Virjibhai Patel was arranged by the applicants by taking loan from Bajaj Finance Limited. He therefore, submits that the applicants are not involved in the alleged offence, however, they have been falsely implicated in the alleged offence.

5. Shri S.A. Ashirgade, learned APP strongly opposes the application and submits that Bank entries show that after four months of execution of sale-deed on two occasions, the amount of Rs.5,00,000/- and Rs.4,00,000/- was deposited by the applicant No.1 in the account of Virjibhai Patel. According to the learned APP, this evidence is sufficient to *prima facie* show the involvement of the applicants in the alleged offence. He therefore, prays for rejection of the present application.

6. I have perused the Case Diary and also gone through the contents of the First Information Report.

7. *Prima facie*, there is material to show that the applicant No.1 has deposited the amount in the fake account that was opened in the name of Virjibhai Patel and thereupon, the sale deed was executed. The document filed along with the application show that the applicant had taken mortgage loan by mortgaging jeweler, from Bajaj Finance Limited and the said amount was deposited in the said fake account.

8. Thus, *Prima facie* there is no incriminating material to show that the applicants in furtherance of their common intention with the accused No.3, have committed the alleged offence, I am of the opinion that the applicants are entitled for grant of anticipatory bail. Accordingly, I pass the following order:

- a) The application is **allowed**.
- b) In the event of arrest of the applicant in Crime No.04 of 2022, dated 01.01.2022 registered with Police Station Gadge Nagar, Amravati (City) for the offence punishable under Sections 419, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and Section 82 of the Registration Act, 1908, the applicants be released on bail on furnishing P.R. Bond of Rs.15,000/- each with one solvent surety in the like amount for each of the applicants.

- c) The applicants shall not tamper with the prosecution witnesses.
- d) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.
- e) The applicants shall attend the concerned Police Station on Friday and Saturday at 10.00 a.m. to 12.00 noon for next four weeks and thereafter, as and when their presence are required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]