

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

CRIMINAL APPLICATION (BA) NO.292 OF 2022

Shailendrasingh Sohansingh Sraw

Vs.

State of Maharashtra, Through its P.S.O. Police Station, Sitabuldi, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. B. Bargat, Advocate for applicant.

Mr. I. J. Damle, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/05/2022

Heard Mr. Bargat, learned counsel for the applicant and Mr. Damle, learned APP for non-applicant / State.

2. The applicant has been arraigned for the offence punishable under Sections 420, 465, 467, 471, 468, 306, 511 and 120-B read with Section 34 of the Indian Penal Code, in Crime No.297/2020, registered with Police Station, Sitabuldi, District Nagpur.

3. The FIR is dated 07.07.2020. The applicant has been arrested on 16.09.2020. The charge-sheet has been filed on 27.11.2020 and additional charge-sheet has been filed on 01.04.2021.

4. Mr. Bargat, learned counsel for the applicant submits, that the applicant is an innocent person and has

not been involved in the aforesaid offences. He submits that the only allegation against the applicant is of having entered into an agreement dated 15.01.2019 with one Sushil Ramesh Kolhe in respect of the land bearing City Survey No.208/1 Mouza Nara, and having received consideration thereunder. He submits, that the co-accuseds have been enlarged on bail by the Court. One Prashant Ashok Satralkar accused no.2 has been released on bail in Criminal Application (BA) No.321 of 2021 by an order dated 22.03.2022 and the accused nos.3 and 7 have been released on bail in Criminal Application (BA) Nos.160 of 2022 and 32 of 2022 by an order dated 23.03.2022. He submits, that the role of the accused is lesser than of those persons, considering which, the applicant is entitled to bail.

5. Mr. Damle, learned APP for non-applicant/State vehemently opposes the application, and submits, that the case of the applicant is different, in as much as the accused no.2, had entered into MOU, which was an agreement to sell, the accused nos.3 and 7 were mere commission agents, whereas the applicant herein, has entered into an agreement without any title/authority whatsoever and received consideration thereunder.

6. The applicant, is the accused no.4 in the aforesaid crime and the accused has entered into an

agreement dated 15.01.2019 with one Sushil Ramesh Kolhe for sale of land bearing City Survey No.208/1 Mouza Nara, admeasuring 1500 sq. meter for a total consideration of Rs.75,00,000/- and has received consideration of Rs.30,00,000/- under the said agreement. A perusal of the agreement, would demonstrate that the land of City Survey No.208/1 was owned by one Ashok Mithulal Chaudhari and the applicant claimed to be his power of attorney holder, however, there is no such power of attorney in existence, nor has the same been filed on record by Mr. Bargat, learned counsel for the applicant. The absence of any details of any such power of attorney in the agreement dated 15.01.2019 also substantiates this position.

7. Mr. Bargat, learned counsel for the applicant, however submits, that the applicant is willing to deposit an amount of Rs.20,00,000/- (Rs. Twenty Lakhs) so as to show his bonafides. Though, Mr. Damle, learned APP for non-applicant/State, opposes this offer contending that there are other transactions in cash attributed to the applicant, however, considering the conditions imposed upon the other applicants, the amount of Rs.20,00,000/- would be a reasonable amount, and considering the fact, that the charge-sheet has already been filed and nothing now remains investigated further, a *prima facie* case for bail is made out. Hence, the following order.

ORDER

(i) The application is allowed.

(ii) The applicant be released on bail in Crime No.297/2020 registered with Police Station, Sitabuldi, District Nagpur, for the offences punishable under Sections 420, 465, 467, 471, 468, 306, 511 and 120-B read with Section 34 of the Indian Penal Code, on executing P.R. bond in the sum of Rs.1,00,000/- (Rs. One Lakh) with two solvent sureties of the like amount, subject to the condition of depositing an amount of Rs.20,00,000/- (Rupees Twenty Lakhs) in Sessions Case No.66/2021 pending with the District and Sessions Judge -13, Nagpur.

(iii) The bail order shall become operative only after depositing of the said amount with the learned Sessions Court, Nagpur, who upon such deposit shall direct investment of the amount in an interest carrying fixed Deposit during the continuation of the trial.

(iv) The applicant shall not tamper with the prosecution evidence or try to influence the prosecution witnesses directly or indirectly.

(v) The applicant shall attend each and every date before the learned Sessions Court, Nagpur and shall ensure that the trial is not protracted on his count.

(vi) The applicant shall not leave the Country, except with the permission in writing of the learned Sessions Court, Nagpur.

(vii) It is made clear that the applicant shall not indulge into any criminal activity of nature while on bail.

(viii) Violation of any of the above conditions shall result in cancellation of bail.

8. It is clarified, that the observations made in this application are only *prima facie* in nature and shall not affect the trial or the decision making by the learned Sessions Court, Nagpur.

JUDGE

Sarkate