

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

Criminal Application (ABA) No.551/2022

Deepak Varma V State of Maharashtra thr PSO PS Ramnagar, Chandrapur

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Mr. T. Deshpande, Advocate for applicant.

Mr. V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 28-07-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0731/2022 registered with Police Station Ramnagar, District Chandrapur for the offences punishable under Sections 120-B, 419, 420, 467, 468, 471 read with section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that the applicant is the bonafide purchaser of the two plots i.e. Plot Nos. 27 and 28 within the limits of Gram Panchayat Khutala. He submits that he purchased the plots on 17-11-2014 and sold it out to Sau. Nilima Patil on 22-12-2014. He submits that the complaint came to be filed after 8 years alleging that one Vairagade, impersonated himself as complainant and sold out the

property of the complainant to the applicant. Thereupon, the present offence came to be registered.

3. He submits that there was no occasion for the applicant to know that the person who appeared before the Sub-Registrar as Sakharkar is actually not the complainant. He, therefore, submits that the applicant is not connected with the alleged offence.

4. He further submits that he is ready to cooperate the Investigating Officer in investigation. He submits that he attended the Police Station as directed by this Court while granting ad-interim anticipatory bail and as such further custodial interrogation is not necessary.

5. On the other hand, learned APP strongly opposed the application and submits that the applicant is the main accused who had purchased the plots vide Sale Deed dated 17-11-2014 and immediately within a month's period it was sold out by carrying out mutation and by completing all the formalities, at a higher price.

6. Learned APP further submits that the Investigating Officer has collected sufficient incriminating material against the applicant and accordingly he submits that the custodial interrogation of the applicant is necessary to reach to the persons

who are involved in the alleged offence. He further submits that considering the nature of allegations, without custodial interrogation of the applicant, the investigation is not possible. Accordingly, he prays for rejection of the application.

7. I have perused the case diary and the First Information Report (FIR).

8. From the case diary it appears that, on 17-11-2014 the applicant purchased two plots from his vendor Sakharkar. Subsequently it is revealed that the person who was pretended himself before the Sub-Registrar as Sakharkar, was not Sakharkar but he was the co-accused Vairagade who impersonated himself as complainant Sakharkar.

9. The applicant immediately after the said Sale Deed within one month carried out the mutation in his name and sold it out to Sau. Nilima Patil at higher price on 22-12-2014. After going though the Sale Deed executed in favour of the applicant, it appears that certain information which in normal course the purchaser and the vendor are expected to mention, is missing.

10. Considering the overall nature of allegations and the character of material collected by the Investigating Officer and further considering the fact that Section 120-B of the IPC is invoked in this case, I am of the opinion that the custodial interrogation of the applicant is necessary.

11. In the circumstances, this is not a fit case where pre-arrest bail should be granted to the applicant.

12. In that view of the matter, I pass the following order:-

ORDER

Application is rejected.

(Anil S. Kilor, J.)