

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1651 OF 2022

Baburao Aasaram Barhate ...Applicant

Versus

The State Of Maharashtra And Another ...Respondents

Mr. Joydeep Chatterji h/f. Mr. P.A. Bhosle, Advocate for the applicant.

Mr. V.S. Badakh, APP for respondents.

Mr. S.S. Dambe, Advocate for the informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 426/2022, registered with Kadim Jalna Police Station, Jalna, for offences punishable under sections 420, 467, 468, 469, 471 read with 34 of the Indian Penal Code.

2. Anita Devidan lodged FIR alleging that her land was sold to the present applicant by putting a dummy person in her place, by some unknown persons.

3. Applicant is the purchaser who has parted with

amount of Rs. 39,00,000/- by way of bank transaction in the account of a dummy vendor. He has purchased the said land by way of registered sale deed and he claims to be cheated by persons who have sold the land by impersonating informant.

4. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

5. Prima facie there appears substance in the contention of the applicant that the applicant is cheated by other accused who have put dummy person in the place of informant and sold her land to the applicant . The applicant has parted with amount of Rs. 39,00,000/- while purchasing said land, which is transferred by way of bank entry in the account of dummy person. The applicant has filed a private complaint seeking direction under section 156(3) of Cr.P.C., against persons who have cheated him. He has made five persons as accused including main accused Raju Jadhav and Gangadhar Shinde, who according to the applicant was cultivating land of informant and has actively participated in the sale transaction.

6. The applicant was granted interim protection. The applicant has attended the concerned police station and has co-operated in the investigation. Nothing is to be recovered from the applicant. Pre-trial custodial detention of the applicant, in the facts of the present case is not warranted. The application is therefore allowed by confirming the interim order dated 07.12.2022.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigating officer. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]