

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

ANTICIPATORY BAIL APPLICATION NO. 25 OF 2023

Pradeep Lallan Singh	..Applicant
vs.	
The State of Maharashtra and Anr.	..Respondents

Mr. Anil Dsouza a/w Mr. Valentine Mascarenhas, Mr. Ernest Tuscano for the Applicant.

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

Mr. Siddhant Dhavale for the intervener.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 5, 2023

P.C. :

1. Heard learned counsel for the applicant and the learned APP.
2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with First Information Report ("FIR", for short) No. 622 of 2022 dated 07/10/2022, registered with Tulinj Police Station for the offence punishable under sections 420, 447, 448, 506, 34, 465, 467, 468 and 571 of the Indian Penal Code, 1860.

3. It is the case of the informant that he has inducted the present applicant - Pradeep Lallan Singh in the suit premises. The informant wanted to carry on construction in the suit premises, therefore, he called upon the applicant to vacate the same. The informant realised that the applicant now claiming to remain in possession on the basis of leave and license agreement executed on 28/02/2022 between Gajanan Bandhu Singh (original accused no. 1) and the applicant. The leave and license agreement was for a period of 33 months. The informant claims to be the owner of the property and so is Gajanan Bandhu Singh, which is obviously a civil dispute.

4. However, what is material to note is that Gajanan Bandhu Singh is claiming to be the owner on the basis of the sale deed (copy) dated 17/05/1982. As the investigation reveals, that though the sale deed is dated 17/05/1982, the same is on the Rs.5/- stamp paper of the year 1988. Furthermore, the sale deed has been attested by the notary Mr. Rajendra Dadaji Khobaragade, who in his statement stated that at the relevant time, his notorial

stamp and seal had gone missing and he had not attested the sale deed to be a true copy.

5. Learned counsel for the applicant vehemently submitted that this is purely a civil dispute and the applicant is no way concerned with the sale deed dated 17/05/1982. According to the learned counsel for the applicant, the accused no. 1 had executed leave and license in his favour and therefore, it is the accused no. 1 is responsible and not the applicant. Learned counsel for the applicant submitted that it is the informant's case that he has inducted the applicant as a manager in the suit premises. In such circumstances, learned counsel for the applicant submitted that the applicant has no complicity with the present offence. According to him, there is no dispute about the leave and license agreement of 2022 which is a registered document.

6. As indicated earlier, the materials on record *prima facie* reveal that on the stamp paper which is of the year 1988 the sale deed is shown to have been executed on 17/05/1982. Even the notary has stated that the seal and

the signatures on the sale deed which has been attested as true copy, is not his. The applicant was working in his capacity as a manager of the property and inducted as such according to the informant. The applicant is closely related with the accused no. 1. The ownership of the property and eviction is, no doubt, a matter of civil nature. However, the allegations as can be seen from the FIR and materials produced are serious, which need to be investigated. Therefore, this is not a fit case for granting pre-arrest bail to the applicant.

7. The application is rejected.

8. All the observations made are *prima facie* based on the materials produced.

(M. S. KARNIK, J.)