

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

**ANTICIPATORY BAIL APPLICATION NO.3415 OF 2022
WITH
INTERIM APPLICATION NO.40 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.3415 OF 2022**

Yallaling Guranath Vhanmane ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. C.K. Tripathi for the Applicant.

Mr. Ritesh Thobde for the Intervenor/Complainant.

Mr. S.V. Gavand, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 9th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.405 of 2022 registered with Walsang Police Station, District-Solapur Rural, for the offences punishable under Sections 406, 420 and 471 of the IPC.

2. Heard Mr. Tripathi, learned counsel for the Applicant, Mr. Gavand, learned APP for the Respondent-State and Mr. Ritesh Thobde, learned counsel for the Intervenor/Complainant. I have perused the

records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime came to be registered pursuant to the FIR lodged by Anand Revansiddh Jadhav. The FIR prima facie reveals that the land admeasuring 13 acres 20 Guntha was gifted to the Trust by Gift Deed dated 19/11/1991. It is stated that the Applicant, who is the Pontiff of the said Mutth, had made 38 plots and sold the said plots for total sale consideration of Rs.65,00,000/-. It is stated that the Applicant did not execute sale deeds but entered into agreements for sale under which he put the respective purchasers in possession of the plots. It is stated that the Applicant has not deposited the sale consideration in the Trust Account but has misappropriated the same. Based on the said allegations, the aforestated crime came to be registered.

4. A perusal of the records reveal that the Trust-Prabhu Yallaling Maharaj, Kalyanmath, Hotagi, South Solapur, was registered on 30/10/1991. The records further reveal that one Krishnarao Maruti Dharmashale and two others had by deed of gift dated 19/11/1991 gifted land admeasuring 13 Acre 20 Guntha to the said Trust. The said

land is surveyed under Gat Nos.506, 505, 512A and 512B of village-Hotagi. The records reveal that the Applicant herein has sold plots from land under Gat Nos.506/2 and 512/1 to several purchasers, by misrepresenting that he is the owner of the said plots and has misappropriated the money received by him from several purchasers.

5. A perusal of the FIR thus prima facie reveals that the Applicant herein, who is the Pontiff of Trust -Prabhu Yallaling Maharaj, Kalyanmath, Hotagi, South Solapur, sold the properties of the Trust and has misappropriated the money received towards sale consideration. The fact that the Charity Commissioner has initiated enquiry or that one of the Trustees has filed a suit against the Applicant seeking to restrain him from interfering with the Trust property, would not prima facie absolve him of his criminal case. The material on record prima facie shows involvement of the Applicant in commission of the crime; which needs to be thoroughly investigated. Hence, this is not a case to exercise discretion under Section 438 of the Cr.P.C. In the result, the application is dismissed.

6. The request of learned counsel for the Applicant for continuation of interim relief is rejected.

7. Interim application (s), if any, stand (s) disposed of in view of dismissal of the Anticipatory Bail Application.

(SMT. ANUJA PRABHUDESSAI, J.)

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