

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 405 OF 2023**

Manikchand Dayaram Saroj ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ravindra Pachundkar for the Applicant.

Mr. Amit Palkar, APP for the State.

API Pratibha Tandale, Kothrud Police Station, Pune City present.

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CORAM : N.R. BORKAR, J.

DATED : 16 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 3 of 2023 registered at Kothrud Police Station, Pune for the offences punishable under Sections 465, 467, 468, 471, 474, 448 r/w. 34 of Indian Penal Code.

3. According to the complainant, she is owner of house property at Kothrud Pune. According to the complainant, she came across power of attorney in relation to the said property purportedly executed by one Sunita Soman in favour of present applicant and co-accused Vasaram

Natha Choudhary. According to the complainant, on inquiry she found that said Sunita Soman was adjacent plot owner. The complainant has alleged that she thus contacted said Sunita Soman, who on inquiry told her that she never executed any power of attorney in favour of the present applicant and other co-accused.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the applicant is a victim. It is submitted that Sunita Soman and other represented to him that they are the owners of the property in question. It is submitted that at the time of execution of power of attorney the applicant had paid them an amount of Rs.43 lakhs. According to the learned Counsel for the applicant the said amount was paid in cash.

6. To test the bonafides of the applicant, he was asked to produce the income tax returns of relevant assessment year. However, he failed to do so. Apart from it, in absence of any supporting documents to show from where such huge amount of cash was withdrawn, I am not inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is rejected.

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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(N.R. BORKAR, J.)