

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

ANTICIPATORY BAIL APPLICATION NO. 676 OF 2023

Pradeep Deepak Pawar and Anr.	...Applicants
vs.	
The State of Maharashtra	...Respondent

Mr. Datta Mane - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State
PSI Vaibhav Pawar – Nalasopara Police Station

CORAM : S. M. MODAK, J.

DATE : 17th MARCH, 2023

P. C. :-

1. Heard Shri Datta Mane, learned Advocate for the Applicants and Shri H. J. Dedhia, learned APP for the Respondent-State.
2. There is an offence bearing C. R. No. 496 of 2022, registered at Nalasopara Police Station, on 02/11/2022 under Sections 420, 406, 465, 468, 471 read with 34 of the Indian Penal Code against in all five persons. The present Applicants are accused No. 1-Pradeep and accused no. 4-Sameer.
3. The allegation is that initially these two Applicants and

later on the remaining three accused persons accepted amount from the first informant towards sell of the flat and in fact the land on which building is to be constructed is a Government land. After getting this knowledge realizing that he is cheated, the first informant has filed complaint.

4. It seems that there are two transactions. One is with the present Applicants and second is with other accused persons. Initially, these Applicants have agreed to sell a flat admeasuring 310 sq. ft. for Rs. 12,50,000/- and accepted Rs. 3,80,000/-. In the mid way they have withdrawn from the project and later on other accused persons came into picture and then the first informant booked the flat ad-measuring more area that is 640 sq. ft. for Rs. 17,50,000/-. Rs. 2,00,000/- was paid and it was decided to raise a loan for Rs. 13,35,000/-. It has not materialized as land being owned by the Government.

5. A statement is made that the Applicants are mere brokers. It cannot be accepted because broker cannot accept such consideration. There is a notice dated 11/10/2021 issued by the Applicant to the first informant asking him to withdraw the non-cognizable complaint. My attention is invited to various paragraphs.

It is contended that an amount of Rs. 3,80,000/- is transferred to other accused persons. The contents of the notice does not explicitly say so.

6. Learned APP submitted that there are forged documents and these Applicants are certainly involved. It is true that the transaction with these Applicants is cancelled and now rest of the three accused have come into picture. There is a submission made that at the most Applicants can ask to deposit Rs. 3,80,000/-.

7. Considering the above circumstances, I am inclined to grant anticipatory bail subject to deposit of the amount before the trial court. Hence the order:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 496 of 2022 registered with Nalasopara Police Station for the offence punishable under Sections 420, 406, 465, 468, 471 read with Section 34 of the Indian Penal Code, the Applicants be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/- each.
- (iii) Applicants are directed to give attendance to the Nalasopara Police Station on first Wednesday and

every Monday from 10.00 a.m. to 12.00 noon until filing of the charge-sheet

- (iv) Bail is granted subject to deposit of Rs. 3,80,000/- by these Applicants before the concerned Court of the JMFC within two weeks from today.
- (v) Amount be deposited in fixed deposit and Concerned Court of the JMFC is at liberty to take appropriate decision about that amount.

[S. M. MODAK, J.]