

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.711 OF 2023

Vishnu Shankar Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Priyanka N. Patil for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

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Date: 2023.07.14
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CORAM : AMIT BORKAR, J.

DATED : JULY 14, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.20 of 2022 registered with Khandeshwar Police Station, Panvel, Navi-Mumbai for offences punishable under sections 420, 406 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. The informant filed a report with respondent police station alleging that the applicant's father entered into agreement to sale with the informant for consideration of Rs.4,32,00,000/-. Towards earnest amount of the agreement to sale, an amount of Rs.53,89,000/- was paid to the applicant's father. According to the informant, after payment of part consideration of Rs.74,11,000/-, the applicant in presence of his father demanded enhancement of consideration amount and repaid an amount of Rs.20,00,000/- to

the informant. However, the informant refused to repay remaining amount. According to the informant, the applicant executed a receipt on 100 rupees stamp paper and accepted amount of Rs.20,00,000/- in cash with a promise to execute sale deed. According to the informant, therefore, total amount of Rs.1,54,00,000/- was paid to the applicant. The applicant's father died in the year 2020. The informant, therefore, lodged a report alleging that the applicant accepted Rs.2,54,00,000/- but refused to execute sale deed.

3. The applicant filed an application before learned Sessions Court under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 27th February 2023.

4. On perusal of the material on record, it appears that the agreement to sale was executed between the applicant's father and informant. The informant is a developer. As of today, there is no material to indicate that the applicant had dishonest or fraudulent intention on the date of entering into the transaction. Prima facie the transaction between the applicant, applicant's father and informant appears to be civil in nature. Therefore, custodial interrogation of the applicant is not required. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.20 of 2022 registered with Khandeshwar Police Station, Panvel, Navi-Mumbai for offences punishable under sections 420, 406 of the Indian Penal Code, 1860, he be released on bail on furnishing PR Bond in the sum of

Rs.50,000/-, along with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 17th, 19th and 21st July 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

5. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)