

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

ANTICIPATORY BAIL APPLICATION NO. 1328 OF 2023

1. Radheshyam Hubraj Yadav
2. Shailendra Tirthraj Singh ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Chaitanya Malgaonkar a/w. Chirag Shah, Khushali Paddia i/b.
Melwyn Pereira for the Applicant.
Mr. R.M.Pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 30th JUNE, 2023.**

P.C.

1. The Applicants apprehend arrest in C.R.No.215 of 2023 registered with Samta Nagar Police Station, Mumbai, for offences under Section 406, 420, 464, 465, 467, 468 and 471 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Gulabchand Sriram Singh. The facts narrated in the FIR prima facie reveal that the Applicant herein had informed the wife of the first informant that the land was available for sale at Juchendra, Naigaon (E),

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District Palghar. The Applicant No.1 introduced the first informant to the Applicant No.2, and thereafter they contacted co-accused Mohd. Akhtar Rafi Malik, who claimed to be the owner of the said land. The first informant entered into Memorandum of Understanding with said Mohd. Akhtar Rafi Malik, for sale of the land under old survey no. 346 (new Survey No. 387) admeasuring 20Hectares 85 gunthas of village Juchandra, Taluka Vasai, District Palghar for sale consideration of Rs.2 Crores. It is alleged that the first informant had paid to the co-accused Mohd. Akhtar an amount of Rs.30 Lakhs towards earnest money. The records indicated that the co-accused Mohd. Akhtar was not the owner of the land. He had in fact no right, title or interest in the said land, and he had induced the first informant in paying him the money, by making false statement.

4. The allegations are essentially against the co-accused Mohd. Akhtar. These Applicants were only the brokers who had referred the first informant to the co-accused Mohd. Akhtar. There is no prima facie material to indicate that the Applicants herein had received any money from the first informant and or from the co-accused. Considering this aspect, this Court, by order dated 4th May, 2023 had granted interim bail to the Applicants. Learned APP states that pursuant to the said order, the Applicants have reported to the Investigating Officer and that they have been interrogated.

5. In the light of the above, no case is made out for custodial interrogation. Hence, interim bail granted by order dated 4th May, 2023 stands confirmed.

6. The Applicants shall report to the Investigating Officer as and when required. They shall not interfere with the Complainant or the other witnesses, or tamper with the evidence in any manner. They shall keep the Investigating Officer informed of their current address and mobile contact number, and /or change of residence or mobile details, if any, from time to time.

(ANUJA PRABHUDESSAI, J.)