

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

ANTICIPATORY BAIL APPLICATION NO. 1899 OF 2023

Bibhishan Gulab Londhe

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Viresh Purwant for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 10th JULY, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.326 of 2023 registered with Vijapur Naka Police Station, Solapur for offences under Section 420, 467, 468, 471, 120B of the Indian Penal Code.

2. Heard learned Counsel Shri Purwant for the Applicant, and 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 Shrishail kumar Basavanappa Hadimani. A perusal of the FIR reveals that the first informant is settled in the United States of America. He was interested in purchasing land in India. He had contacted one Manoj

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Godbole, who had assured to identify the land. The first informant has levelled several allegations against the co-accused. The only allegation against the Applicant is that in the month of September, 2022, the Applicant had entered into an agreement with the first informant to purchase the land. The Applicant was to pay to the Complainant an amount of Rs.3 Crores as earnest money, and Rs.4 Crores at the time of execution of the sale deed. It is stated that the Applicant canceled the agreement. The allegations leveled against the Applicant do not prima facie constitute an offence as alleged. In my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.326 of 2023 registered with Vijapur Naka Police Station, Solapur, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 13th and 14th July, 2023, between 11.00 a.m. to 2.00 p.m.;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)