

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.2252 OF 2023

Wasim Javed Khan

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Rohan D. Kaiche, for the Applicant.

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

CORAM : AMIT BORKAR, J.

DATED : AUGUST 10, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.0324 of 2023, registered with Ambad Police Station, Nashik dated 26th May 2023 for the offences punishable under Section 420, 465, 467,468,472 read with Section 34 of the Indian Penal Code, 1860. The applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. The prosecution case in short is as under:

The father of informant deceased Chandrakant along with his friends purchased the agricultural plot of land from Survey No.85/1A/1/12 and demarcated 27 plots. With passage of time only plot no.27 remained in ownership of her late father and his friends. Later, she came across a sale-deed executed on 02.07.2021 purportedly showing sell of this plot of land to present applicant and other accused. On

further verification she realised that the sale deed does not bears photograph of her father and importantly her father died in the year 2010. On further research she came across the Special Power of Attorney purportedly showing that her father had executed it on 10.05.2021. Consequently, she went on the plot of land and came across present applicant and others residing there. Later, she filed instant report in the police station against the present accused and others.

3. The applicant has therefore filed application 438 of Code of Criminal Procedure 1973, before the Sessions Judge which came to be rejected by order dated 21st June 2023.

4. On perusal of the case diary and material on record, it prima facie appears that three persons out of nine vendors had expired before the date of execution of sale deed. Prima facie, certificate issued by Karnataka Bank Limited, dated 19th June 2023, indicates that cheques referred in the sale deed are unused. The applicant is purchaser of the property. The market value of the property as mentioned in the sale deed is Rs. 1,01,07,000/-, consideration is paid Rs.49,90,000/-. Cumulative effect of aforesaid factors requires custodial interrogation of the applicant.

5. The anticipatory bail application stands rejected. No costs.

(AMIT BORKAR, J.)