

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 2586 OF 2022

Govind Dattatray Sasane and anr.

...Applicants

Versus

The State of Maharashtra

...Respondents

Mr. Rajabha Chaudhary, i/b Kishan Chaudhary, for the
Applicants.

Mr. N. B. Patil, APP for the State.

API Nilesh Mane, Lonawala (R) Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED : 23rd AUGUST, 2023

Order:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.293 of 2021 registered with Lonawala Gramin Police Station, District Pune, for the offences punishable under Sections 420, 467, 468, 469 and 471 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
3. Sanjay Bhavarlal Jain, the first informant, is the owner of Plot Nos.9 and 10 out of the sanctioned lay out at Gat No.67 Mauje Malavali, Taluka Maval, District Pune. His mother Chandrakala is the owner of Plot No.18. These plots were purchased from Ankit Group under registered Sale Deeds. In

the month of July, 2021, when the first informant verified the record of right, he found that names of the applicants and others were mutated to the above-numbered plots. In the further enquiry, it transpired that on 26th December, 2019 and 18th March, 2021 false and forged Sale Deeds were registered by impersonating the first informant and his mother. Thus, the first informant lodged the report.

4. The learned Counsel for the applicants submitted that the applicants are *bona fide* transferees for valuable consideration. They have been falsely roped in.

5. The learned Counsel for the applicants further submitted that out of the agreed consideration some amount had been credited to the account of the first informant through banking channels. In any event, according to the learned Counsel for the applicants, the dispute is of civil nature as the genuineness of the instrument would be a matter for adjudication.

6. The learned APP, on the other hand, submitted that a clear case of cheating by impersonation and forgery has been made out. Custodial interrogation of the applicants is necessary for effective investigation. It was submitted that the learned Sessions Judge has correctly recorded that there was

no material to show that the applicants had paid the consideration as shown in the Sale Deed.

7. Evidently, the allegations in the FIR are of grave nature. The learned Additional Sessions Judge has recorded that the consideration for the subject plots was shown at Rs.17,00,000/-. There was no material to show that the said consideration was parted with by the applicants. If the applicants claim to be *bona fide* purchasers for value, the applicants are enjoined to demonstrate, *prima facie*, that they had parted with the agreed consideration. In the absence of material to show the payment of consideration, the allegations in the first information report gain credence and merit investigation.

8. The allegations are such that custodial interrogation of the applicants, who are the beneficiaries of the alleged fraudulent transactions, is indispensable to unearth the alleged fraud. In the face of clear and categorical allegations of impersonation, the submission on behalf of the applicants that the dispute is of civil nature does not merit countenance. Custodial interrogation of the applicants would reveal the identity of the persons, who were instrumental in the alleged cheating by impersonation and forgery.

9. I am, therefore, persuaded to hold that this is not a case in which discretion can be exercised in favour of the applicants.

10. Hence, the application stands rejected.

11. The interim protection granted by this Court by order dated 20th April, 2023 stands vacated.

[N. J. JAMADAR, J.]