



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3032 OF 2023**

Rahul Ratan Sonawane	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Gaurav Parkar, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Hanumant Shinde, API, Neral Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 30 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.234 of 2023 registered with Neral Police Station for the offences punishable under Sections 120B, 406, 420, 465, 467, 468, 471 of the Indian Penal Code.
3. The gravamen of indictment against the applicant is that Mohan Krishna Patil, Accused No.1 who is the distant relative of the first informant, has induced him to jointly purchase a land bearing Survey No.79/7 situated at Village Dhamote, Tal. Karjat, Raigad, for a consideration of Rs.33 Lakhs. The first informant was induced to part with a sum of Rs.15 Lakhs. An impostor was set up and a sale deed was executed and registered before the Registrar of Assurances on 20 December 2019 in the joint names of the first informant and the accused No.1. The first informant further

alleged that he has paid a sum of Rs.2 Lakhs to the applicant towards the stamp duty and expenses for registration of the instrument. He has also paid a sum of Rs.4.70 Lakhs to the applicant on the instructions of Accused No.1 – Mohan. It later transpired that the accused No.1 and the applicant and others had deceived the first informant by executing a fraudulent instrument. Later on, the accused No.1 had executed a document to return an amount of Rs.15 Lakhs. However, the said amount was not returned, as promised. Hence, the report.

4. The learned Counsel for the Applicant submitted that the applicant has not induced the first informant. An amount of Rs.2 Lakhs was paid to the applicant towards the stamp duty and registration. Even the amount of Rs.4.70 lakhs was allegedly paid at the directions of accused No.1 who has subsequently acknowledged the entire liability. The applicant is not the beneficiary of the fraud.

5. The learned APP, on the other hand, submitted that the allegations in the FIR indicate that the accused No.1 has made an inducement and the instrument came to be executed in favour of the first informant and the accused No.1. The role attributed to the applicant is that of accepting the amount of Rs.2 Lakhs towards the stamp duty and the registration and Rs.4.70 Lakhs at the instance of Accused No.1.

6. The learned Counsel for the Applicant, on instructions, submitted that without prejudice to the rights and contentions of the applicant and admitting the liability, the applicant is ready and willing to deposit an amount of Rs.3 Lakhs.

7. Having regard to the nature of the accusation and the aforesaid statement on behalf of the applicant, I am inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Applicant, as undertaken, shall deposit a sum of Rs.3 Lakhs in the Court of Judicial Magistrate, First Class, Karjat, exercising jurisdiction over the Neral Police Station within a period of five weeks from today.

(ii) Subject to the aforesaid deposit in the event of the arrest of the Applicant – Rahul Ratan Sonawane in connection with C.R.No.234 of 2023 registered with Neral Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(iii) The Applicant shall co-operate with the investigation and report to Neral Police Station on 6th, 7th and 8th November 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iv) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The Application stands disposed.

(vii) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)