

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3570 OF 2022
WITH
INTERIM APPLICATION NO. 237 OF 2023**

1. Sanket Milind Sonawane
2. Asha Milind Sonawane ...Applicants
Versus
The State of Maharashtra and anr. ...Respondents

.....

Mr. Shekhar Jagtap i/b Mr. Akash Pandey for the Applicant.
Mr. Amit Palkar, APP for the State.
Mr. Nitin Patil for Respondent No. 2.

.....
CORAM : N.R. BORKAR, J.
DATED : 20 FEBRUARY 2023

P.C. :-

The learned counsel for the applicant has tendered additional affidavit. The same is taken on record and marked 'X' for the purpose of identification.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

3. The applicant is apprehending his arrest in Crime No. 661 of 2022 registered at Baramati Taluka Police Station for the offences punishable under Sections 420 r/w 34 of the Indian Penal Code.

4. According to the complainant, the present applicants agreed to sell to him land bearing Gat No. 54 at Kirkumbh for total consideration of Rs. 2.6 Crore and executed agreement to sell dated 18 July 2022 by accepting earnest amount of Rs. 14,41,000/- It is alleged that during the

subsistence of said agreement the present applicants contracted to sell the very same land to one Narayan Jagdale. It is alleged that when the complainant came to know about the said transaction, he told the applicants to execute sale deed in his favor or else his earnest amount be returned. It is alleged that applicants refused to do either.

5. This Court on 22 December 2022 passed the following order:

- “1. The learned counsel for the applicant seeks leave to add the complainant as party respondent to the present application. Leave as sought is granted. Necessary amendment shall be carried out forthwith.*
- 2. Issue notice to the added respondent/complainant, returnable on 20 January 2023.*
- 3. The learned counsel for the applicants submits that even today the applicants are willing to sell the land in question to the complainant for the same consideration which was agreed between the parties.*
- 4. In view of this statement, the applicant shall not be arrested till the next date.”*

6. The learned counsel for the applicants submits that in view of the fraud played by the complainant, applicants are now not willing to sell the land in question to the complainant for the same consideration. This submission cannot be accepted in view of the statement made on behalf of the applicants on 22 December 2022. I am, therefore, left with no option except to reject this application. Application is accordingly rejected.

7. Interim Application does not survive and stands disposed of.

(N.R. BORKAR, J.)