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

PRADNYA
MAKARAND
BHOGALE

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Date: 2023.01.05
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ANTICIPATORY BAIL APPLICATION NO.3595 OF 2022

RAJU LAXMAN SAGALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. K. S. Labana for applicant.

Ms. P. N. Dabholkar, APP for State.

Mr. Virendra Pethe for original complainant.

Mr. N. R. Kenche, PI, Khadakpada Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 3, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 419, 420, 465, 467, 468, 471 and 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No.I-470 of 2022 dated 25/11/2022 registered with Khadakpada Police Station.
- 3.** It is alleged by the complainant that he was in need of a flat in the area of Kalyan. The applicant informed the

complainant that the accused-Jagdish Ramdas Bhoir is constructing a new building and thereupon arranged a meeting with Jagdish and his brother Sandesh Bhoir. It appears that Jagdish and his brother told the complainant that the said property is developed through the developer of which Sakharam Bhoir is a partner and upon constructing the building, the developer will allot flat Nos.801 and 802 to the complainant. The price of the flats was agreed as Rs.1,01,46,000/-. A sum of Rs.45,57,495/- was transferred through RTGS and Rs.55,88,505/- transferred after a loan was obtained by the complainant. The amount was transferred in the account of Jagdish.

4. According to learned counsel for the applicant, the applicant is not the beneficiary and his role was merely to have introduced the complainant with Jagdish. Learned counsel submits that the applicant believed that the flats in question belonged to Jagdish. According to him, the transaction was between Jagdish and the complainant. According to learned counsel, the applicant is therefore innocent and falsely implicated in this case. The

complainant demanded possession and was informed that Jagdish had asked Sakharam Bhoir-the developer not to handover flats to the complainant. It further came to light that photograph which was affixed on the transfer document was not that of the developer-Sakharam Bhoir but he was impersonated. Sakharam Bhoir in his statement has stated that he did not sign or execute the deed. The agreement however shows the name of Sakharam Bhoir, the photograph however is of a different person. Sakharam Bhoir has stated that it is the applicant who has taken various documents from time to time from his office. The applicant projected himself to be the associate of Jagdish. The applicant knew Sakharam Bhoir despite which the document was executed by somebody else projecting himself to be Sakharam Bhoir. The involvement of the applicant in such circumstances needs to be investigated as it is not merely that of introducing the complainant with Jagdish as sought to be contended by learned counsel for the applicant.

5. Taking an overall view of the matter, I do not find this

to be a fit case to grant pre-arrest bail to the applicant.

6. Anticipatory Bail Application is rejected.

(M. S. KARNIK, J.)