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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.2042 OF 2023

Sachin Santosh Patil

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. G. R. Syed, Advocate for the applicant
Mr. N. B. Patil, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.525 of 2023 registered with Nandurbar City Police Station for offence punishable under section 406, 464, 466, 468, 420, 34 of the Indian Penal Code.

2. Pannaben B. Aasar lodged FIR against 6 accused persons, named in the FIR and one unknown lady, contending that her sister – Nalini Bipin Chikhan stays at London. Accused persons, in collusion, have sold the property standing in the name of her sister Nalini. One unknown lady impersonated her sister and represented to be owner of the property and executed registered

sale deed in favour of Accused No.1. Subsequently, informant forwarded complaint about said transaction to Nandurbar Police Station on 11th May, 2022. Police recorded her statement on 21st May, 2022. When accused persons came to know about her complaint, they executed cancellation deed No. 3478/2022 on 17th June, 2022, thereby cancelling sale transaction done on 11th October, 2021. Sachin Santosh Patil (Applicant) and Santosh Marathe have signed cancellation deed as witnesses. FIR came to be registered under the directions issued by learned Magistrate under section 156 (3) of the Criminal Procedure Code.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation. Learned APP opposed the application.

4. Learned advocate for applicant submits that applicant is innocent and he has only identified Hitesh Bhika Gurav and not the lady, who impersonated informant's sister. He submits that Hitesh Bhika Gurav is granted anticipatory bail by this Court and, therefore, applicant also deserves anticipatory bail on the ground of parity.

5. All the accused persons in the present crime are absconding. According to prosecution cancellation deed was

prepared in the presence of applicant and applicant knows whereabouts of other accused persons and identity of the lady who impersonated informant's sister while executing registered sale deed on 11th October, 2021.

6. There is no substance in the contention of applicant that he has only identified Hitesh Bhika Gurav. Cancellation deed shows that applicant and Santosh Marathe have identified both the parties to the cancellation deed. There is also no merit in the contention of applicant that since Hitesh Bhika Gurav is granted anticipatory bail, he is entitled for the same relief, on the ground of parity. Hitesh Bhika Gurav was granted anticipatory bail by this Court observing that in fact Hitesh Bhika Gurav appears to be cheated by execution of sale deed in his favour, however, he has subsequently cancelled the said transaction by entering into registered deed. Therefore, this Court accepted his contention that in fact he is the victim and not perpetrator of crime and nothing is to be recovered from him. Such is not the case of applicant.

7. None of the accused person is arrested in the present crime. Considering the complicity of applicant and seriousness of accusations, custodial interrogation of applicant is necessary for

effective investigation. Applicant, therefore, does not deserve discretionary relief of anticipatory bail. Application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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