

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

ANTICIPATORY BAIL APPLICATION NO.1066 OF 2024

Ashok Uddhav More

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Mahindra Deshmukh, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.664/2023, dated 28/12/2023, registered with Vitha Police Station, Sangli, under sections 406, 420, 467, 468, 471, 474 r/w 34 of the Indian Penal Code.

2. Heard Mr. Mahindra Deshmukh, learned counsel for the Applicant and Mr. Avinash A. Naik, learned APP for the State.

3. The FIR is lodged by one Vikas Shinde. He has stated that he wanted to purchase the land from the present Applicant who was the owner of Gat No.400 admeasuring 23.83 R at Bhalavni. The sale price was fixed at Rs.35 lakhs. The informant paid Rs.32,50,000/-. But subsequently, the Applicant did not respond. Instead, he sold the same land to his own uncle Maruti Kalkute, through a sale deed dated 11/02/2022. The informant already had agreement for sale in his favour in respect of that land and inspite of accepting money, the said land was sold by the Applicant to his uncle. On this basis, the FIR is lodged.
4. Learned counsel for the Applicant submitted that the informant had filed a suit for specific performance before Civil Judge Senior Division at Vitha. The suit was decreed exparte. The Applicant had not appeared. Now the matter is at the stage of execution. The Applicant was always ready and willing to repay the money which he had taken. Learned counsel for the Applicant invited my attention to ground (c) in paragraph No.4 wherein he has stated that the Applicant was ready to repay the consideration amount accepted from the complainant pursuant

to the agreement for sale dated 11/08/2021. Learned counsel submitted that the Applicant is consistent on his stand that he was willing to refund the money, but the informant is not willing to accept that amount. He submitted that it is thus a civil dispute and no criminal offence is made out.

5. Learned APP submitted that the the Applicant had used backdated stamp paper to create the document in favour of his uncle to deprive the informant of his legitimate right in respect of that land.

6. I have considered these submissions. The dispute has travelled to a Civil Court and an exparte decree is already passed in favour of the informant. The matter pertains to the documentary evidence. A competent Court has already passed the decree in his case. Learned counsel for the Applicant has relied on the averments in this application, as mentioned in paragraph No.4(c). The Applicant has shown willingness to refund the money.

7. In this view of the matter, custodial interrogation will not serve any purpose. The matter appears to be civil in nature.
8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.664/2023, dated 28/12/2023, registered with Vitha Police Station, Sangli, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)