

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

ANTICIPATORY BAIL APPLICATION NO. 1713 OF 2024

Ataulla @ Rehaan Balosa Shaikh	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Rekha Musale i/by Mr. Mahendra Kawchale for the Applicant.
Mr. Sagar R. Agarkar APP for Respondent-State.
Mr. Prakash B. Sakpal, H.C., Juna Rajwada Police Station,
Kolhapur.

CORAM: MANISH PITALE, J.
DATE : 1st JULY 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0743 of 2023 registered on 28th October 2023, against the applicant and other co-accused persons, for offences under Sections 406 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant which led to registration of FIR shows that the applicant introduced the informant to the accused No.3 and stated that a particular property belonging to the accused No.3 was up for sale and that a deal could be worked out. The statement shows the active involvement of the applicant

along with the accused No.2 in convincing the informant to enter into the said deal.

4. In pursuance to the said introduction of the informant to the accused No.3, an agreement of sale came to be registered along with a power of attorney in favour of the informant, in exchange for which the informant parted with an amount of Rs.6 lakhs.

5. Subsequently, the informant came to know that accused No.3 had already executed an agreement dated 4th December 2020, in respect of the very same property and that the applicant was one of the attesting witnesses for the said agreement of sale. In this backdrop, the aforesaid FIR has been registered. Although, the learned counsel for the applicant submitted that the FIR is belated and that the allegation against the applicant is only limited to the applicant having introduced the informant to accused No.3, this Court finds that the fact that the applicant was an attesting to the earlier transaction, makes out a *prima facie* case against him of having knowledge regarding the prior transaction and yet he enticed the informant to enter into a deal in respect of the very same property.

6. No case is made out for anticipatory bail. Hence, the application is dismissed.

MANISH PITALE, J.