

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

ANTICIPATORY BAIL APPLICATION NO.2986 OF 2023

Mahesh Mohan Jadhav

...Applicant

versus

The State of Maharashtra

.... Respondent

Mr. Tejas Hilge for the Applicant (Appeared through V.C.).
Ms. Pallavi Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.33 of 2023, registered at Mohol Police Station Solapur under Sections 420, 465, 467, 468, 471 read with 34 of the IPC and under Section 82 of the Registration Act, 1908.
2. The FIR was lodged on 13th January 2023 by one Dhananjay Gore. It is his case that their Office had received a complaint dated 8th August 2022 from the one Vishal Gole. According to him, his mother Vanmala Gole had passed away in the year 2009. His father, brothers and sisters were residing elsewhere

and not in their village. Taking advantage of this situation, somebody created false Aadhar Card and entered into sale transaction in respect of the land situated at Gat No.992 Admeasuring 5 Hactare 48 R at Village Kurul. The said transaction was registered on 2nd August 2022, vide registration No.4052 of 2022. The owner was Vanmala but some imposter stood in her place and completed the registration process. The first informant's Office verified this grievance and then issued notice to the parties. Nobody came forward on behalf of the seller but the applicant who was the purchaser in that transaction appeared and informed that he had verified the documents produced by the seller and based on those documents, he had entered in this transaction. Mentioning all this, the first informant lodged this FIR.

3. Heard Mr. Tejas Hilge, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the State.
4. Learned counsel for the applicant submitted that after he came to know about the complaint made by Vishal Gole, on 8th August 2022, the applicant had immediately informed the police

on 3rd September 2022, about the entire transaction and as to how he himself was cheated by the estate agent and the imposter.

5. Learned counsel for the applicant submitted that he was a bona fide purchaser and he was misled by the estate agent and the imposter. He has paid Rs.37,00,000/- by cash.
6. Learned APP opposed these submissions on the instructions provided by the Investigating Officer. It is the case of the police that the applicant was involved in the offence. He used to collect information about the persons who were having land in that village and who had died. He used to enter into such transactions. However, on the specific query made by the Court, learned APP submitted that during the entire investigation carried out so far, they do not have any material to substantiate these allegations, at this stage.
7. Considering both these submissions and as admitted by the prosecuting agency, there is no concrete material against the applicant. There is a reasonable possibility that the applicant may be a bona fide purchaser of the land. The entire transaction

was made in cash. That is a suspicious circumstance. But based on that, it is difficult to deny the benefit of the anticipatory bail order to the applicant at this stage. However, if in future, the Investigating Agency comes across some definite material against the applicant, showing his complicity in this offence, and in similar offences, they can be given liberty to make an application for cancellation of this order.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.33 of 2023, registered at Mohol Police Station, Solapur the applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station on 23rd January 2024, 24th January 2024 and 25th January 2024 between 1.00 P.M. to 5.00 P.M; and thereafter as and when called in future.
- (iii) The applicant shall cooperate with the

investigation.

- (iv) If in future the Investigation Agency comes across some definite material against the applicant showing his involvement, they are at liberty to make an application for cancellation of this order.
- (v) With these observations, the Anticipatory Bail Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)