IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 277 OF 2024

Ramesh Ramdular Yadav ..Applicant
Versus
The State of Maharashtra ..Respondent

WITH
INTERIM APPLICATION NO. 571 OF 2024

Rajaram Dattu Thakur ..Intervenor

In the matter between:

Ramesh Ramdular Yadav ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Kuldeeep S. Patil i/b. Saili N. Dhuru for Applicant.
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.
Mr. Kanhaiya S. Yadav for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 8 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.326 of 2023 registered at New Panvel Police Station, Navi Mumbai, on 22.12.2023, under section 420 of the Indian Penal Code.

2. Heard Mr. Kuldeeep Patil, learned counsel for the applicant, Ms. Mahalakshmi Ganapathy, learned APP for the State and Mr. Kanhaiya Yadav, learned counsel for the Intervenor.

3. The F.I.R. is lodged by one Rajaram Thakur. He has stated that, he wanted to sell his land situated at village Sai, Taluka Panvel. It was a land owned by the other co-owners as well at survey No.68/1, admeasuring 30 R. The F.I.R. mentions that the applicant agreed to purchase that land for Rs.30 lakhs. Gist of the F.I.R. is that the applicant paid only Rs.5 lakhs in cash. He did not pay the balance amount of Rs.25 lakhs. He got one power of attorney and one sale deed executed and thus deprived the informant and his family of their rightful dues. This was done knowingly with premeditation and pre-planning. Thus, the informant was cheated. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that he has not cheated the first informant. The transaction had taken place in the year 2019. Thereafter, because of the development of an important project the prices of the lands in that area have

escalated exponentially. The informant and his family members are pressurizing the applicant to extract more money from him. He invited my attention to the bank statement of the applicant himself. Wherein, on 28.01.2019, there are entries in the name of the informant himself and his family members showing that an amount of Rs.5 lakhs was paid by cheque. This fact is suppressed from the F.I.R. The cash component is also mentioned in the F.I.R. Thus, amount of Rs.10 lakhs is already paid to the informant. He invited my attention to the sale deed. In the sale deed, the purchase price was fixed at Rs.10 lakhs. There are cheque numbers mentioned in the sale deed itself. Those cheque numbers are tallied with the cheque numbers mentioned in the bank account of the applicant.

5. Learned APP has produced the investigation papers before me.

6. Learned counsel for the informant objected the submissions made by the learned counsel for the applicant. He submitted that the bank account statement of the applicant shows

that those cheques for Rs.2,20,000/- and Rs.2,50,000/- were dishonoured in October 2018 itself.

7. I have considered these submissions. The cheques referred to by the applicant are clearly reflected in the sale deed. Their numbers are mentioned. They tallied with the bank account statement which the applicant has annexed at page Nos.95 and 96 of this application. The same cheque numbers are mentioned in the receipt appended to the sale deed. Thus, apart from the cash payment of Rs.5 lakhs, Rs.5 lakhs are paid by cheque. Therefore, the amount mentioned in the sale deed is satisfied. This particular fact is not mentioned in the F.I.R. This fact is suppressed. I am not impressed by the submission that the actual transaction was for Rs.30 lakhs. There is no other transaction between the parties. The amount mentioned in the sale deed is paid as demonstrated by the learned counsel for the applicant. Therefore, there is no substance in the submission of the learned counsel for the informant that the applicant has committed the offence. Considering this situation, the applicant can be protected in this particular case.

8. Hence, the following order :

ORDER

i) In the event of his arrest in connection with C.R.No.326 of 2023 registered at New Panvel Police Station, Navi Mumbai, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

ii) The Application is disposed of.

iii) With disposal of this anticipatory bail application, the interim application is also disposed of.

(SARANG V. KOTWAL, J.)