

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

ANTICIPATORY BAIL APPLICATION NO. 949 OF 2024

(1) Shivkumar Ganesh Iyer,
(2) Narayan Ganesh Iyer. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

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Mr. Shyam Dewani a/w. Arjun Dev a/w. Sachet Makhija i/b.
Dewani Associates for Applicants.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.
DATE : 8 APRIL 2024**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.315 of 2023 registered at Chitalsar-Manpada Police Station, District Thane, on 27.12.2023, under sections 406, 420, 504 and 506(II) r/w. 34 of the Indian Penal Code.

2. Heard Mr. Shyam Dewani, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Haresh Patil. He has stated

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that, one Adesh Patil told him that, he knew one lady who had 150 acres of land at Kolegaon and Shirdhon, Tal. Kalyan and that, she wanted to sell her land. She wanted to reside in that area. The informant had a farmhouse in that area. He could give that farmhouse on rent to that lady. The informant told Adesh to introduce him with that lady. On 22.05.2020, Adesh and his father Pandharinath came with the said lady Mamata Bhatt and her son Krushna and introduced them with the informant. Mamata told the informant that, she was staying at Mumbai with her three sons i.e. Krushna and the present applicants. She had 50 acres of land at Kolegaon and 100 acres of land at Shirdhon. She had lost 15 acres of land in Virar Alibaug Corridor. Therefore, she needed to keep watch on the remaining land. She wanted to stay in the vicinity of her land. The informant's farmhouse was convenient for her. She requested him to give it on rent for one year. The informant demanded Rs.1 lakh as rent per month and Rs.10 lakhs as deposit. She agreed to Rs.90000/- as rent and Rs.10 lakhs as deposit. The informant told her that, he would give possession of the farmhouse after the rent agreement was executed; on 01.06.2020. Even

before that, on 23.05.2020, the said Mamata and others came to that farmhouse and kept their goods in that farmhouse. The informant went there. Mamata told the informant that, since because of the lock-down the rules were getting stringent and, therefore, she had to bring the goods in the farmhouse immediately. She was accompanied by Krushna and both the applicants. Because of the spread of Covid-19 the rent agreement could not be entered into. After about 10 days, Krushna told the informant that since the informant wanted to purchase a land, he himself could purchase their land. He quoted some price. The F.I.R. goes on to mention that, Mamata and Krushna obtained certain amount from the informant for selling some part of their land. The F.I.R. mentions that the informant had paid Rs.51,65,000/- to Mamata, but neither the money was returned nor the land was transferred in the informant's name. Whenever, the informant demanded back his money, he was threatened. Mamata had kept 5-6 male and 3 women bouncers on that land. Based on these allegations, the F.I.R. is lodged.

4. Learned counsel for the applicants submitted that the

F.I.R. itself shows that the allegations are directed specifically against Mamata and to a certain extent against Krushna. But there are no serious allegations against the present applicants warranting their custodial interrogation. He submitted that the informant had got one affidavit executed from Mamata showing acceptance of the said amount of Rs.51,65,000/-, for which, some cheques were given by Mamata; which were dishonoured. Learned counsel relied on the notice dated 23.07.2021, issued by the Advocate of the informant to Mamata regarding dishonour of cheques. Even in that notice, there are no allegations against the present applicant. The allegations are in respect of events from the year 2020 and the F.I.R. is lodged on 27.12.2023. Thus, there is unexplained delay in lodging the F.I.R., which also shows that the applicants are implicated as an afterthought to pressurise Mamata; who is their mother.

5. Learned APP opposed these submissions. She submitted that, on some of the agreements executed between the informant and Mamata, the applicants have signed as witnesses to those agreements. However, she submitted that, if the applicants

are granted protection, they be put to certain terms and the applicants be directed to attend the concerned police station. They be further directed to co-operate with the investigation.

6. I have considered these submissions. I find substance in the submissions of learned counsel for the applicants. There are hardly any specific allegations against the present applicants. The allegations are vague and general. The main allegations of receiving and misappropriating the money are against Mamata and to a certain extent against Krushna. The applicants had not made any representation in respect of that transaction to the informant. At the highest, there are some vague allegations about threats being issued to the informant. Even then, there are no allegations against the applicant No.2. Considering this general nature of allegations, the applicants' custodial interrogation is not necessary. Their mother Mamata and brother Krushna are already arrested in connection with the present offence.

7. In this view of the matter, the applicants can be protected U/s.438 of the Cr.p.c.

8. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No.315 of 2023 registered at Chitalsar-Manpada Police Station, District Thane, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)