

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

ANTICIPATORY BAIL APPLICATION NO. 982 OF 2024

Malay Pradeep Mehta

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sahil D. Salvi a/w. Samrat Thakker a/w. Vishal Kilanje for
Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.154 of 2023 registered at Wada Police Station, District Palghar, on 22.04.2023, under sections 406, 420, 467, 468, 469, 470 and 471 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Sahil Salvi, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.
3. The F.I.R. is a result of an order passed U/s.156(3) of

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the Cr.p.c. by the J.M.F.C., Wada. The F.I.R. is lodged by one Mohini @ Sangeeta Patil. The allegations in the F.I.R. are as follows:

The land at village Kharivli, Kohoj, Taluka Wada, District Palghar, at city survey No.244/1, admeasuring 1H 54R was belonging to the informant's grand-father Narayan Ram (Rama) Patil. He had received that land U/s.32G of the Bombay Tenancy and Agricultural Lands Act, 1948, from one Hajimiya Shaikh Mohammad on 07.05.1960. The owner Narayan Patil passed away on 07.09.1969. His heirs did not take immediate steps to enter their names in the revenue record. Finally, on 26.09.2022 the informant made an application in the office of the Tahsildar at Wada to enter the names of the legal heirs of Narayan in respect of that land. At that time, the informant came to know that there was one more Narayan in the village. His name was Narayan Ramchandra Patil. He took advantage of the similarity in the name and the same land which belonged to the informant's grand father was sold to the present applicant by that other Narayan Patil. There are allegations that the present applicant was the purchaser

of the land. It was sold by the main accused Narayan Patil; and one Suhas Patil had acted as a broker. All the accused had committed the offence in collusion with each other. The agreement for sale in favour of the present applicant was executed and registered by the main accused Narayan Patil on 24.06.2022. On these allegations the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the main accused Narayan Patil was from the same village and, therefore, the applicant had no reason to suspect that he was not the original owner of that land. He invited my attention to the various documents executed by the parties in this case. One of the documents was an agreement for sale dated 24.06.2022 between the accused Narayan Patil and the present applicant. The other agreement was between the applicant and the aforementioned Suhas Patil; which was also executed on 24.06.2022. There was one more agreement between the accused No.1 Narayan Patil and Suhas Patil; which was executed on 10.05.2022.

5. Learned counsel for the applicant submitted that, since

Suhas Patil had acquired some rights under the agreement dated 10.05.2022, the applicant had to enter into separate agreements with the accused No.1 Narayan Patil and accused No.4 Suhas Patil on 24.06.2022. He emphasised on the fact that, under both these agreements, the applicant had paid Rs.85 lakhs to Narayan Patil and Suhas Patil. Apart from that, he had also paid some more amount for levelling of land and doing other ancillary work. Thus, the applicant has spent huge amount and yet he is facing prospect of arrest on these false allegations. He is a bonafide purchaser of the land and he was not aware that the original land owner was some other person by the same name as Narayan Patil. He submitted that, most of this amount is paid through cheques and bank transactions.

6. Learned APP tried to oppose these submissions, but there was no answer to the submission that, Rs.90 lakhs were lost by the applicant himself. Learned APP relied on the order passed by his Court on 08.03.2024 in A.B.A.No.669 of 2024, wherein, the Anticipatory bail Application of a co-accused Suhas Patil was rejected.

7. I have considered these submissions. As far as, A.B.A.No.669 of 2024 filed by Suhas Patil is concerned, the said order mentions the suspicious role played by Suhas Patil in the entire transaction. His case is totally different from that of the present applicant. In the present application, the crucial fact remains that the applicant himself had lost an amount of more than Rs.85 lakhs. This fact could not be disputed by the learned APP.

8. In this view of the matter, it is difficult to even imagine that the applicant could be in collusion with the other accused. From the entire transaction, it appears that the applicant also is one of the victims in this case and he has lost more than Rs.85 lakhs. In this view of the facts, it is difficult to observe that the applicant had acted in collusion with the other accused. Therefore, he deserves protection U/s.438 of the Cr.p.c. It would be sufficient if he co-operates with the investigation.

9. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.154 of 2023 registered at Wada Police Station, District Palghar, 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 Applicant 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.)