



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1654 OF 2024**

Ravindra Pralhad Kamble

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Piyush S. Chhabria with Mr. Pravin D. Kukreja, for Applicant.

Mr. Prashant Jadhav, APP for State.

API Subham Shaikh, Khadakpada police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 19 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.

2. The applicant, who is arraigned in C.R.No.419 of 2023 registered with Khadakpada Police Station for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code, has preferred this application to enlarge him on bail.

3. The applicant and his brother Gajanan Kamble and their mother Ratnabai Kamble, owned a room at 405, Apurva Lake View Co-op. Hsg. Soc. Ltd. The applicant and the co-accused professed to sell the said property to the first informant by executing a sale deed on 9 October 2020 for a consideration of Rs.28,31,000/-. The first informant was induced to part with a sum of Rs.13,00,000/-. It transpired that the applicant and the co-accused had already sold the said flat by executing multiple agreements for sale in favour of Vinayak Pujari on 12

January 2018, Gangaram Boshnoi on 14 June 2018 and Rakesh Gokulsingh on 9 August 2018. The accused had also mortgaged the said flat and raised a loan of Rs.15 lakhs from Vishal Sahakari Patpedhi Maryadit, Kalyan Branch. Suppressing the said fact, the applicant and co-accused deceived the first informant.

4. Learned Counsel for the applicant submitted that the sale deed in favour of the first informant was executed by Gajanan Kamble in the capacity of the power of attorney of the applicant. The applicant was unaware of the fraudulent transactions entered into by Gajanan, the co-accused. Attention of the Court was invited to the copy of the Sale Deed (page 37).

5. Learned APP resisted the prayer for bail. It was submitted that the applicant and co-accused have deceived a number of persons by selling the very same property successively without disclosing prior transactions. Therefore, the applicant does not deserve to be enlarged on bail.

6. I have perused copy of the Sale Deed. It appears that the co-accused Gajanan had executed Sale Deed in the capacity of the power of attorney of the applicant. Two other instruments also seem to have been executed by Gajanan in the capacity of the power of attorney of the applicant. The question as to whether the applicant was also privy to the fraud would be a matter for adjudication at the trial. The offence revolves around documents. Investigation seems to be complete. Further detention of the applicant is not warranted. I am, therefore, inclined to exercise

discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Ravindra Pralhad Kamble be released on bail in C.R.No.419 of 2023 registered with Khadakpada Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Khadakpada Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)