

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

ANTICIPATORY BAIL APPLICATION NO.3670 OF 2023

Seema Amruta Keswad

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. S. N. More, Advocate a/w. Animesh Jadhav, Sheetal Mishra i/b. Hemant Nivangune for the Applicant.

Smt. M.H. Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.752/2023 registered at Mahalunge MIDC Police Station, Pimpri Chinchwad, Pune dated 17.11.2023 under sections 420, 465, 471 read with 34 of the Indian Penal Code.

2. Heard Shri S. N. More, learned counsel for the Applicant and Smt. M.H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by one Manohar Naidu. He wanted to purchase a land. He came to know through a social networking site that one agent Sachin Mehtre had put a status on his account that there was an industrial plot for sale at Chakan. The informant came to know about this on 8.5.2021. He contacted Sachin Mehtre, who in turn called him at the location on 23.5.2021. On that day, Sachin Mehtre and Amruta Keswad were present at the location. This Amruta Keswad is the Applicant's husband. Both of them told the informant that there was a loan taken on that property from the Federal Bank. The key of the premises was with the bank. On 25.5.2021, the informant again went to the spot and he was told that the bank officers would be present there. Accordingly the premises were opened. The informant liked that property. He decided to purchase it. He was told that Amruta would settle the loan with the bank through One Time Settlement. Amruta told him that the One Time Settlement was for Rs.92 Lakhs and that he himself would sell that

property to the informant for Rs.82 Lakhs. The informant gave him Rs.9 Lakhs. However, when the public notice was given about the property, there were some objections received and the transaction could not go through. In the meantime, the bank declared auction of the said property by publishing an advertisement on 30.10.2021. The base price was kept at Rs.80 Lakhs. The informant participated in the tender and purchased the property for Rs.80,01,000/-. Said property was at village Kharabwadi, Taluka-Khed, District-Pune originally owned by Amruta i.e. the Applicant's husband. The sale deed was executed. The possession of the property was given to the informant by the bank. The informant approached the Grampanchayat Kharabwadi for entering his name in the record. The grampanchayat removed encumbrance of the bank from the record. However, the 7/12 was still not transferred in the informant's name. When the informant made inquiries with the Registrar's office, at that time he came to know that Amruta had executed a gift-deed in the name of his son Swaraj and the Applicant had put her signature on that

gift-deed as a consenting party. That document was entered into the record at the Talathi office. Amruta was demanding Rs.10 Lakhs from the informant. He did not return Rs.9 Lakhs, which were already paid and he was demanding further Rs.10 Lakhs. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there are hardly any allegations in the FIR against the present Applicant. The only allegation is that she has put her signature as a consenting party on the gift-deed as her son was a minor. According to the learned counsel the dispute, if at all, was purely civil in nature. The Applicant was not a party to any previous agreements or transactions. The Applicant's custodial interrogation is not necessary.

5. Learned APP opposed these submissions. According to her, the Applicant was fully aware of the transactions from the very beginning and in spite of that she became a party to the gift-deed and thus tried to deprive the informant of his legitimate property.

6. I have considered these submissions. As rightly submitted by the learned counsel for the Applicant, there are hardly any allegations against the Applicant warranting her custodial interrogation. All the allegations are directed towards her husband Amruta. The Applicant was neither a party to the previous transactions nor she has made any representation to the first informant. She had not taken money from the first informant. Apparently, her husband Amruta had tried to play mischief by transferring the property by way of a gift-deed and used the Applicant as she was mother of their minor son in whose name the property was to be transferred. Thus, it is quite clear that the Applicant had acted at the behest of her husband. She has not played an independent role in the entire offence. She is a lady. In this background, her custodial interrogation is totally unnecessary. She deserves the protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R. No.752/2023 registered at Mahalunge MIDC Police Station, Pimpri Chinchwad, Pune, the Applicant is directed to be released on bail on her furnishing a PR 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 cooperate with the investigation, including giving her specimen signatures etc..
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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PRAKASHRAO
DESHMANE

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