

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

ANTICIPATORY BAIL APPLICATION NO.256 OF 2024

Sharad Shankar Yadav & Anr.

.... Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr. Sachin Khandagale, Advocate for Applicants.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
- Ms. Surbhi Agrawal, Advocate for Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.894/2023, dated 23/12/2023, registered with Saswad Police Station, Pune Rural, under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Sachin Khandagale, learned counsel for the Applicants, Ms. Surbhi Agrawal, learned counsel for the Intervenor and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Kalawati Yadav. She has stated that her husband Dinkar Yadav has passed away. She has four daughters. She was residing with them. She had an ancestral property at village Devdi. That property was admeasuring 5 acres. She had another land at Gat No.48 admeasuring 115 Gunthas. The Applicants Sharad Yadav and Sandip Yadav were nephews of the first informant. It is her case that the Applicant Sharad told her that the common land at Gat No.48 was to be sold and the other co-accused were also willing to sell that property. The informant was agreeable to sell that piece of land. Therefore, the sale deed was executed on 06/06/2018. It was also registered. It is her case that in respect of that sale the Applicant Sharad had given her a cheque of Rs.2,50,000/-. But it was dishonoured. She did not receive any amount in respect of that sale. That is the first part of the allegations. The second part of the allegations is that, on the same day, the Applicants got one release deed executed in respect of other Gat numbers. That was done by deceit. The

informant was not told about the contents of that particular document. The sale deed as well as the release deed were executed and registered on 06/06/2018. The informant used to trust the Applicants and the Applicants were cultivating that ancestral property. After a few years she came to know that in the revenue record her name was not appearing and it stood only in the name of the Applicants and one Tushar Yadav, who was the Applicant No.1's son. She realized that she was cheated and on this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that those documents dated 06/06/2018 are genuine documents. They are registered in accordance with law. The first informant realized that the price of the property has escalated and therefore she has raised this dispute. He further submitted that the informant had lost the remedy of taking recourse to civil litigation because it was beyond limitation and therefore she has taken recourse of filing of this FIR to pressurize the Applicants. He further submitted that the first informant has received her share

of the amount from the purchaser directly. The Applicants have not deprived her of the money which is earned by selling that land. He submitted that the documents were registered before the authorities and therefore there cannot be any manipulation in respect of those documents.

5. Learned APP as well as learned counsel for the first informant submitted that the release deed was executed without telling the informant the real nature of the contents of that release deed. She was kept in the dark and by deceit she was made to put her thumb impression.

6. Learned APP produced investigation papers before me. Those contain statement of one Ganesh Misal, who had signed both these documents as a witness. His case is that he was called by the Applicant No.1 to sign on the sale deed. However, he was made to sign on the release deed as well by misleading him. To that extent this witness has supported the informant's case. Apart from that, both these documents bear thumb impression

of the informant's daughter Manisha Chorge. Admittedly Manisha is educated. Therefore, it was surprising that she had allegedly put thumb impression and not signed those documents. These are the circumstances which the Applicants will have to explain. At this stage, there are two registered documents in his favour. Therefore, to maintain balance between the investigation and the liberty of the Applicants, today I am inclined to protect the Applicants by way of ad-interim relief, so that these discrepancies can be explained before the Investigating Officer.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.894/2023, dated 23/12/2023, registered with Saswad Police Station, Pune Rural, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand

Only) each, with one or two sureties each, in the like amount.

- (ii) The Applicants shall attend the concerned Police Station from 20/02/2024 to 23/02/2024 between 01.00 to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 12/03/2024.
- (iv) Stand over to 12/03/2024.

(SARANG V. KOTWAL, J.)