

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

ANTICIPATORY BAIL APPLICATION NO. 1514 OF 2024

1. Jagannath Raghunath Puro		
2. Ganesh Pandharinath Puro	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Rajendra Pai, Senior Advocate, a/w Akshay Pai, Aloukik Pai and Siddhi Bhosle i/b Bhomesh Bellam for the Applicants.

Mr. Tanveer Khan, APP for Respondent-State.

Ms. Padma Chinta for Informant (proposed Intervenor).

Mr. M. D. Thakur, H. C., Revdanda Police Station.

CORAM: MANISH PITALE, J.

DATE : 13th JUNE 2024

P.C. :

. Heard Mr. Pai, learned senior counsel appearing for the applicants, Mr. Khan, learned APP for the respondent-State and Ms. Padma Chinta, learned counsel, having instructions to appear on behalf of the informant. She would be filing an intervention application.

2. The applicants apprehend arrest in connection with FIR No. 0082 of 2024 dated 6th May 2024, registered at Revdanda Police Station, Dist. Raigad, for offence under Section 420 read with 34 of the Indian Penal Code (IPC).

3. The FIR has been registered on the basis of information provided by the informant on 6th May 2024 to the effect that the

applicants have cheated them by having accepted huge amount of Rs.26,00,000/- for sale of immovable property bearing Gut No. 141 and thereafter, having avoided to execute the necessary documents in that connection. It is the case of the informant that when inquiries were made before the Revenue Department, it came to light that while the applicants had executed registered agreement in favour of the informant, the subject land was sold to one Hitesh Patil. It is further the case of the applicants that the applicants are power of attorney holders of the original owner and despite the aforesaid huge amount having been paid to the applicant, the original owner sold the said land on 27th March 2024, by a registered sale deed to the said Hitesh Patil. This is the material on the basis of which the FIR has been registered.

4. Mr. Pai, learned senior counsel appearing for the applicants, submits that this is not the only transaction entered into between the informant and the applicants. There were other pieces of land, which the applicants as power of attorney holders of the original owner, had sold to the informant and the said transactions were completed without any grievance. It is submitted that the applicants are unaware about the original owner having allegedly sold the subject land unilaterally to a purchaser. In any case, it is submitted that such a dispute is a purely civil dispute, which is sought to be given the colour of criminality. It is further submitted that the applicant No.1 is a senior citizen aged about 87 years and the applicant No.2 is also a senior citizen aged about 61 years.

Additionally, it is brought to the notice of this Court that a notice under Section 41A of the Code of Criminal Procedure, 1973 (Cr.P.C.) was issued to the applicant No.2 for appearance on 20th May 2024. Since the applicant No.2 is a voter in a Mumbai, he could not appear in response to the said notice and thereupon, the applicants have been constrained to approach this Court for anticipatory bail. It is submitted that applicants are ready to give full cooperation to the Investigating Officer.

5. The learned APP submitted that during the course of the investigation, the Investigating Officer would require documents that are in the custody of the applicants, hence, the custody of those documents is necessary.

6. The learned counsel appearing for the original informant (proposed intervenor) submits that this Court may consider granting short time for the application for intervention to be placed on record.

7. Having perused the material on record, particularly, the tenor of the statement of the informant leading to registration of the FIR, *prima facie*, this Court is of the opinion that the dispute appears to be of civil nature. In any case, the allegation of cheating has been made against the applicant in the context of delay in execution of sale deed despite have been received amount of Rs.26,00,000/- in the year 2010. It is not the case of even the informant that the aforesaid sale deed dated 27th March 2024,

pertaining to the subject land was executed by the applicants as the power of attorney holders of the original owner. Therefore, a strong a *prima facie* case is indeed made out by the applicants in their favour. Additionally, this Court finds that both the applicants are senior citizens and one of them is 87 years old. While the informant may file the application for intervention, the applicants have made out a case for interim relief.

8. In view of the above, list this application for further consideration on **5th July 2024**.

9. The informant shall file the intervention application in the meanwhile.

10. In the light of the above, the following interim order is passed :

(a) In the event of applicants are arrested in connection with FIR No.0082 of 2024 dated 6th May 2024, registered at Revdanda Police Station, Dist. Raigad, for offence under Section 420 read with 34 of IPC, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each, with one surety in the like amount.

(b) Considering the fact that the applicant No.1 is aged about 87 years, only the applicant No.2 shall

appear before the Investigating Officer on 19th June 2024 between 11:00 a.m. and 1:00 p.m. and thereafter, as and when the Investigating Officer calls upon him to remain present.

(c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

(d) The applicants shall cooperate with the investigation and they shall provide all the documents demanded by the Investigating Officer during the course of the investigation.

MANISH PITALE, J.

BIPIN DHARMENDER
PRITHIANI

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Date: 2024.06.13 18:13:19 +0530