

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.1894 OF 2024

Karan Sanjiv Kusalkar  
Chintamani Ankush Pokale  
Chandrakant Gajanan Pokale ... Applicants  
**Vs.**  
State of Maharashtra ... Respondent

Mr. Aabad Ponda, Senior Advocate i/b. Mr. Pranav Patil and Mr. Ashish P. Agarkar for Applicants.

Mr. Mayur S. Sonavane, APP for Respondent-State.

Mr. Veerdhawal Deshmukh, Advocate appointed by Legal Aid Committee for Complainant.

Mr. Rahul Kolambikar, Assistant Police Inspector, Swargate Police Station, Pune City.

**CORAM : MANISH PITALE, J.**  
**DATE : JULY 22, 2024**

**P.C. :**

. Heard Mr. Ponda, learned senior counsel for the applicants, Mr. Sonavane, learned APP for the respondent-State and Mr. Deshmukh, learned advocate appointed by the High Court Legal Services Committee to appear on behalf of the informant.

2. The applicants apprehend arrest in connection with FIR No.0235 of 2024 dated 18.06.2024 registered at Swargate Police Station, District - Pune, for offences under Sections 120-B, 385, 386, 387, 406, 420, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant approached the police on 18.06.2024 raising grievance in connection with a sale deed executed on 11.08.2023. It is alleged that co-accused Ravi Jadhav, being an advocate, won the confidence of the informant when she met him during her visits to the

Court as she has been involved in number of litigations. It is her case that the said accused person assured her that he would assist her in proper disposal of the pending execution proceedings and that, he would charge certain amount for the said service. He also gave an impression to the informant that he was an expert in dealing with sale and purchase of immovable properties. In that context, placing her faith in the said accused person, the informant gave him the task of disposing of two plots of land. Eventually, the plots of lands were purchased by the applicants for a consideration of Rs.1 crore. Later, the informant came to know that the consideration amount was much less than the Ready Reckoner rates and that the said plots of lands could have fetched an amount upto Rs.3 crores. According to the informant, she has been duped of the huge amount of Rs.2 crores and that the applicants along with the said co-accused Ravi Jadhav are involved in the present case.

4. The learned senior counsel appearing for the applicants submits that a perusal of the statement of the informant, leading to registration of the FIR and the other material on record indicates that the grievance of the informant is against the co-accused Ravi Jadhav, who is alleged to have duped her of huge amount of money. The only role ascribed to the applicants is that they purchased certain plots of lands allegedly for an amount, which was far less than the market rate of the said plots of land. The allegations relevant for the offences registered against the accused persons are relevant only as against co-accused Ravi Jadhav and other than a general and bald statement that the applicants conspired with the said Ravi Jadhav to dupe the informant, there is no other material on record.

5. It is further brought to the notice of this Court that the informant had first approached the Economic Offences Wing (EOW) with her grievance. Upon preliminary enquiry, EOW found no substance in the

grievance or at least no criminality in the present case and closed the matter, which is a factor this Court may take into consideration. It is further submitted that the FIR is evidently belated as the sale deed was executed on 11.08.2023 and the FIR was registered on 18.06.2024.

6. The learned APP, on the other hand, submits that the informant has sufficiently raised her grievance against all the accused persons, including the applicant before this Court. They were all aware about the market rate and that they agreed to enter into the transaction, which had the effect of duping the informant of a huge amount of Rs.2 crores.

7. The learned counsel appearing for the first informant submits that considering the stamp duty paid for the subject transaction, the applicants were obviously aware that if the actual market rate had been paid to the informant, a much higher stamp duty would have been paid, thereby indicating that the applicants not only duped the informant but also caused loss to the State exchequer. On this basis, it is submitted that the present application deserves to be dismissed.

8. This Court has considered the material on record in the backdrop of the rival submissions. The sale deed, in the present case, was executed on 11.08.2023 and the FIR has been registered after about 10 months on 18.06.2024. Delay in itself may not be a ground for this Court at this stage to hold in favour of the applicants, for the reason that in the interregnum, the informant had indeed approached the EOW with her grievance. But, the enquiry conducted by the EOW, statements recorded in the process and eventual closing of the matter, are certainly factors that can be taken into consideration. One of the statements recorded during the course of enquiry conducted by the EOW shows that the informant had agreed to dispose of the plots in question for an amount of Rs.82 lakhs, for which she accepted Rs.2 lakhs, but thereafter she backed out of the transaction.

9. In any case, a perusal of the statement of the informant, leading to registration of the FIR shows that the thrust of the allegations pertaining to ingredients of offences under Sections 406, 420, 385, 386 and 387 of the IPC can be said to be relevant for the co-accused Ravi Jadhav. But, insofar as the applicants are concerned, there is a general allegation made in the statement of the informant that they too were part of the conspiracy to dupe her of a huge amount of Rs.2 crores. The only act attributed to the applicants is that they purchased the two plots as per the subject sale deed dated 11.08.2023. On instructions, the learned senior counsel for the applicants has made a statement that they are ready to reverse the transaction.

10. Considering the material on record and the role attributed to the applicants, this Court is inclined to allow the present application.

11. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0235 of 2024 dated 18.06.2024 registered at Swargate Police Station, District - Pune, they shall be released on bail on furnishing PR Bond of Rs.50,000/- (Rupees Fifty Thousand only) each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer on 25.07.2024 between 10:00 a.m. and 12 noon, and thereafter, as and when called by the investigating officer;
- C. The applicants shall co-operate with the investigation;
- D. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

12. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.
13. The application stands disposed of.

**(MANISH PITALE, J.)**

*Minal Parab*