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. H. P. Giri i/b. Mr. Ashish Agarkar for Applicants.

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

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

CORAM : MANISH PITALE, J.
DATE : JULY 29, 2024

P.C. :

. Not on Board. Mentioned by way of *praecipe*.

2. The learned counsel for the first informant submits in respect of order dated 22.07.2024 that in paragraph 7, the contention on behalf of the first informant was recorded, but according to him, the contention has not been correctly recorded.

3. Paragraph 7 reads as follows:-

> "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."

4. It is the contention of the learned counsel for the first informant

that as a matter of fact, stamp duty was paid for the subject transaction for an amount of Rs.3 crores and it was never submitted on behalf of the first informant that any loss was caused to the State exchequer. Instead, according to the first informant, since such higher stamp duty was paid, the applicants were aware about the consideration and the prevailing ready reckoner rates.

5. As notice was given to the learned counsel for the applicants, he is also present in Court. It appears that since on the said date, the learned counsel for the first informant had joined through video-conferencing, there was some error in understanding the exact submissions made on behalf of the first informant. Therefore, paragraph 7 shall be corrected as follows:-

> "7. The learned counsel appearing for the first informant submits that the applicants were aware about the prevailing ready reckoner rates, for the reason that stamp duty for an amount of Rs.3 crores was paid in respect of the subject transaction. This is a factor, indicating that the applicants do not deserve any indulgence in the present case. On this basis, it was submitted that the application deserves to be dismissed."

6. This Court is of the opinion that even if the said contention is to be taken into consideration, for the reasons stated in the order dated 22.07.2024, the ultimate result of the said application being allowed would not be varied.

7. The order dated 22.07.2024 be corrected as above at the earliest and the corrected order be uploaded on the website.

8. The *praecipe* stands disposed of.

(MANISH PITALE, J.)