

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

ANTICIPATORY BAIL APPLICATION NO. 1977 OF 2024

Goradhan Pahilraj Hemrajani	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1219 OF 2024**

1. Vijay Lalsingh Thakur		
2. Manoj Tirathdas Lalwani	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Arjun Jeswani for the Applicant in ABA/1977/2024.
Mr. Arjun S. Pawar for Applicant in ABA/1219/2024.
Mr. Tanveer Khan, APP for Respondent-State.
Mr. Sagar Argade, PSI, Lonavala Rural Police Station.

**CORAM: MANISH PITALE, J.
DATE : 9th DECEMBER 2024**

P.C. :

1. In these applications, interim orders having been operating in favour of the applicants. In Anticipatory Bail Application No. 1219 of 2024, interim order was passed in favour of the applicants on 2nd May 2024 and in Anticipatory Bail Application No. 1977 of 2024, interim order was passed in favour of the applicant on 24th July 2024.

2. The applicants appear to have abided by the directions

issued by this Court, while granting interim relief in their favour.

3. As regards Anticipatory Bail Application No. 1219 of 2024, it is brought to the notice of this Court that both the applicants are no longer arraigned as accused persons and they are cited as witnesses, upon filing of charge-sheet.

4. Hence, no further orders are necessary in this application and it is accordingly disposed of.

5. As regards Anticipatory Bail Application No. 1977 of 2024, in the order dated 24th July 2024 passed by this Court (Coram: Sarang V. Kotwal, J.) it was recorded that the fact that the role ascribed to the applicant was identical to that alleged against the applicants in the accompanying application.

6. Today, when this application was taken up for hearing, the learned counsel for the applicant relied upon Exhibits 'G' and 'H', being complaints submitted by the applicant before the Police on 20th November 2023 and 15th December 2023, stating that after the subject document i.e. sale deed was registered on 22nd June 2023, the applicant came to know that the person who had signed and executed the document as the vendor, had impersonated the original owner and that the applicant and the other purchasers had been duped.

7. By placing reliance on the aforesaid complaints, it is submitted that since the applicant himself had taken immediate

steps with regard to the aforesaid sale deed being executed by a person, who had impersonated the original owner, the bonafide of the applicant is absolutely clear. It is submitted that the FIR is registered much later i.e. on 15th March 2024. It is further submitted that the payments that were to be made through cheques under the said document, were stopped by way of giving Stop Payment instructions, when the fraud came to light. It was further submitted that since the applicant has cooperated with the investigation, this Court may consider allowing the application.

8. On the other hand, the learned APP submitted that investigation has revealed an amount of Rs.4,50,000/- found its way to the applicant, thereby he could be termed as a beneficiary under the fraudulent transaction. In response to the same, it is submitted on behalf of the applicant that the said amount was transferred by the co-accused (broker) to the applicant in connection with an independent transaction and an explanation in that regard can be placed before this Court. It was emphasized that the said aspect of the matter came to light in the charge-sheet.

9. This Court is of the opinion that the applicant himself having submitted complaints in November and December 2023 with regard to the fraudulent transaction and the FIR being registered much later on 15th March 2024, is a factor that cannot be ignored. A semblance of explanation sought to be given with regard to the aforesaid amount of Rs.4,50,000/- and considering the fact that the applicant has cooperated with the investigation,

this Court is inclined to confirm the interim order and allow the present application.

10. In view of the above, the interim order dated 24th July 2024 is made absolute and the application is allowed.

MANISH PITALE, J.