IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1986 OF 2024

1. Aman Balwant Patel

2. Punit Shankarlal Patel

3. Satyan Dinesh Patel

4. Darshan Chagan Patel ...Applicants

Versus

The State of Maharashtra ...Respondent

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- Mr. Uday Varunjikar a/w Mr. Veerdhawal Deshmukh i/b Hulyalkar & Associates, for Applicants.
- Ms. Rutuja Anil Ambekar, APP for Respondent.
- Mr. Kishor Dhumal, Police Inspector and Mr. Sagar Dhanave, Police Constable, Lonavala Rural Police Station, present.

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CORAM : MANISH PITALE, J.
DATE : 24th July, 2024.

P. C. :

1. Heard Mr. Uday Varunjikar, learned counsel for the applicants and Ms. Rutuja Ambekar, learned APP for the State.

2. The applicants have approached this Court apprehending arrest in connection with First Information Report No.0121 of 2024 (FIR), dated 11th April, 2024, registered at Police Station Lonavala, District Pune, for the offences under Sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code (IPC).

3. The informant in his statement, which led to registration of the FIR has alleged that three transactions took place in respect of land belonging to him, wherein pieces of land were shown to have been sold by him to various purchasers. It is the specific case of the informant that some other person impersonated in his place when the said registered documents were executed. These registered documents were dated 12th December, 2023, pertaining to an area 1 acre, 20th February, 2024, pertaining to an area 23 acres and 21st February, 2024, pertaining to an area of 12 acres.

4. There are total 15 accused persons in the present case of whom 8 have been arrested and 7 are absconding.

5. The applicants before this Court are accused Nos.7, 8, 9 and 11 and they are purchasers along with one more person concerned with the registered document dated 21st February, 2024, pertaining to 12 acres of land. Considering the serious allegations made by the informant, the aforementioned offences have been registered against the accused persons.

6. The learned counsel appearing for the applicants submitted that in the present case, the applicants are *bona fide* purchasers and they can be said to be as much victims of the fraud as the informant herein. It is submitted that as soon as the FIR was registered on 11th April, 2024 and the applicants became aware of the fraud in the present case, they immediately caused a

registered deed of disclaimer to be executed on 12th April, 2024. By referring to the registered sale deed dated 21st February, 2024 and the said registered deed of disclaimer dated 12th April, 2024, the learned counsel appearing for the applicants submitted that the payment schedule mentioned in the registered document dated 21st February, 2024, was partly complied with and upon the registered deed of disclaimer being executed, all further payments were immediately stopped. As a consequence, the entire consideration of ₹ 5 Crores was never paid and only part payment was made to the seller whom the applicants and the co-purchaser *bona fide* believed to be the informant i.e. Gopal Rameshkumar Wajir, the original owner of the lands in question.

7. It is submitted that there is no material on record, even if the charge-sheet and the accompanying documents are to be taken into consideration, to indicate the involvement of the applicants in forgery and fabrication of documents, as the said allegations are relevant for other accused persons. It is submitted that the applicants are ready to co-operate with the investigation and therefore, this Court may consider granting relief to the applicants, particularly because the evidence necessarily involves documentary material.

8. On the other hand, learned APP invited attention of this Court to the statement of the person who impersonated the informant. He is arraigned

as accused No.1 Rahul Shinde. It is submitted that, at this stage, while considering the application for anticipatory bail, this Court can certainly look at such a statement of the co-accused person, which indicates the involvement of the applicants from the very beginning, concerning all the three transactions. It is submitted that the accused No.1 in his statement has described in detail how the applicants were aware about the *modus operandi* being put into operation for impersonating the informant and creating the said registered documents in respect of the lands in question. It is further submitted that although the consideration amount shown in the registered sale deed, wherein the applicants are purchasers, is equivalent to the government ready reckoner rates, the market value of the property is much higher, thereby indicating the serious offences committed by the applicants in connivance with the co-accused persons.

9. Specific attention of this Court is invited to the material on record, including statement of witness Pratibha Sonawane, working with a firm that arranged for stamp duty to be paid on the subject documents. By referring to the contents of the statement of the said witness recorded during the course of investigation, as well as her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.), the learned APP emphasized on the fact that even with regard to the two transactions dated 12th December, 2023 and 20th February, 2024, the stamp duty was paid by the applicants and

the co-purchaser along with them, indicating that they were involved in all the three transactions, wherein the informant was impersonated by accused No.1 and a major fraud was played upon the informant. On this basis, it was submitted that this Court may not shown any indulgence to the applicants.

10. In the present case, this Court has considered the material on record in the light of the specific submissions made by the rival parties. The emphasis on the part of the applicants is on the fact that the aforesaid registered deed of disclaimer was executed on 12th April, 2024, immediately after the said FIR was registered. On this basis, an impression is sought to be given to this Court that upon becoming aware of the fraud in the present case, the applicants and co-purchaser took steps forthwith to disassociate with the said transaction and stopped further payment of amounts in the context of the registered sale deed dated 21st February, 2024.

11. This Court is of the opinion that the emphasis placed on the said document cannot come to the assistance of the applicants, for the reason that after the informant approached the police and the entire fraud came to light, the action on the part of the applicants and the co-purchasers can also be said to be a step taken on their behalf to wash their hands off any involvement in the present case.

12. The material on record, particularly the statement of the witness

Pratibha Sonawane, recorded during the course of investigation and her statement recorded before the Magistrate under Section 164 of the Cr.P.C., indicates that the applicants and the co-purchasers appear to be involved in all the three transactions concerning the present case. As regards the registered sale deed dated 12th December, 2023, wherein the accused No.2 Aslam Mulani is shown as the purchaser, in terms of the statement of the said witness, the amount towards stamp duty was transferred by the co-purchaser of the applicants on 05th December, 2023. The account statement brought to the notice of this Court by the learned APP further indicates that the applicants had also transferred amounts towards stamp duty in favour of the Aryan Enterprises i.e. the entity with which the said witness was working. It is sought to be contended on behalf of the applicants that such transfer of amounts may be relevant only for the third transaction i.e. the registered sale deed dated 21st February, 2024, wherein the applicants were the purchasers, but considering the entries in the bank account statements and the specific statement of witness Pratibha Sonawane recorded under Section 164 of the Cr.P.C., this Court is of the opinion that a *prima facie* case is made out connecting the applicants with all the three transactions, including the registered sale deed dated 20th February, 2024, executed in favour of accused No.4 Nitin Punekar.

13. It is relevant to note that one Satish Kalekar is a witness to all the

three transactions and he is also arraigned as accused No.4. The aforesaid material does indicate that all the three transactions appear to be forming a chain in which involvement of all the accused appears to be *prima facie* made out, on the basis of the material that has come on record during the course of investigation.

14. When such material is appreciated along with the statement of accused No.1 Rahul Shinde, it can be said that the applicants before this Court and the co-purchaser were aware of the manner in which the transactions were sought to be executed in respect of the subject lands. The manner in which the accused No.1 was involved by his maternal aunt, who is also arraigned as an accused in the present case shows the *modus operandi* of first preparing the accused No.1 for impersonating the informant, and then to create forged and fabricated documents, including Aadhar Card and other such documents pertaining to the accused No.1 in order to present him as the informant before the Office of the Sub Registrar when the registered documents were executed. The manner in which the transactions have been carried out in the present case makes it abundantly clear that unless all the accused persons, including the applicants came together to play their respective roles, it would not have been possible to give effect to such fraudulent and fabricated documents. In that context, the submission pertaining to the market value of subject lands being much higher than ready reckoner rates assumes significance and at this

stage of considering the application for anticipatory bail, this Court is inclined to accept the submissions made by the learned APP.

15. In view of the above, no case is made out for granting anticipatory bail. The application is dismissed.

16. At this stage, learned counsel appearing for the applicants submits that the protection granted during the pendency of their application before the Sessions Court and after its disposal had continued till day before yesterday. He submits that in that light, this Court may consider extending the protection.

17. In view of the fact that this Court has reached *prima facie* conclusions against the applicants and it is found that they appear to be involved in the offences in question, which are serious offences, the prayer made on behalf of the applicants is rejected.

(MANISH PITALE, J.)