IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2037 OF 2024

Ravi Suresh Jadhav ...Applicant

Versus

The State of Maharashtra ...Respondent

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- ,Mr. Aabad Ponda, Senior Counsel a/w Mr. Atul Soni, Mr. Swapnil Ambure and Ms. Nida Khan, for the Applicant.
- Mr. Tanveer Khan, APP for Respondent.

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CORAM : MANISH PITALE, J.
DATE : 07th August, 2024.

P. C. :

1. Heard, Mr. Ponda, learned senior counsel appearing for the applicant and Mr. Khan, learned APP for the respondent – State.

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

3. The informant in the present case is a senior citizen and a lady, who has raised a grievance that the applicant, being a practicing advocate, won her confidence and thereafter induced her into selling a property for an amount far less than the amount specified in the government ready reckoner rates, thereby duping her of huge amount of money.

4. The learned senior counsel appearing for the applicant, at the outset, pointed out that this Court has already granted anticipatory bail to co-accused persons, who are purchasers under the subject transaction. It is submitted that the FIR is belated as the informant approached the police about 10 months after the execution of the sale deed.

5. It is submitted that a few days prior to the execution of the sale deed, the informant had executed a Memorandum of Understanding (MoU) with the applicant, wherein the consideration amount was specifically stated as ₹ 1.30 Crores, thereby showing that all the while the informant was aware about the consideration amount. Reliance is also placed on a statement recorded during the course of investigation, of an employee of the office of the Sub Registrar, who has stated that the parties to the sale deed were all made aware about the valuation of the property and the stamp duty paid according to the valuation of about ₹ 3 Crores. It is submitted that the whatsapp messages exchanged between the applicant and the informant would indicate that before, during and after the execution of the sale deed, the informant was not only aware about the amount of consideration, but she was happy with the same.

6. It is further submitted that prior to registration of the FIR, a complaint was made to the Economic Offences Wing (EOW), but the

complaint was closed, *inter alia,* for the reason that before the subject transaction, the informant had even agreed for an amount of ₹ 82 Lacks towards consideration.

7. On the other hand, learned APP submits that the statement of the informant sufficiently brings out the ingredients of the offences alleged against the applicant. It is submitted that the applicant being a legal professional has misused the confidence reposed by the informant on him and therefore, this Court may not show any indulgence. It is submitted that the role of the applicant is clearly distinguishable from that of the purchasers who have been granted anticipatory bail by this Court.

8. Having heard the counsel in the light of the material on record, this Court is inclined to grant interim relief, so long as the applicant is ready to cooperate with the investigation, for the following reasons :

(i) The MoU dated 14.07.2023, placed on record indeed shows *prima facie* that the informant was aware about the amount of ₹ 1.30 Crores fixed as the amount of consideration that could be arranged for the sale of the subject land.

(ii) The statement of the witness, who is an employee with the office of the Sub Registrar shows that all parties, including the informant was made aware about the valuation of the property at ₹ 3 Crores and commensurate stamp duty having been paid for the same.

(iii) The informant approached the police after delay of about 10 months to raise grievance with regard to the transaction in question and the alleged role of the applicant.

(iv) The whatsapp messages exchanged between the applicant and the informant *prima facie* indicate that immediately after execution of the sale deed or within a reasonable time thereafter, the informant did not make any grievance.

(v) The complaint filed before the EOW was closed but the material that came on record indicated that prior to execution of the subject sale deed, the informant had even agreed for consideration amount of ₹ 82 Lakhs for the subject property.

9. For the aforesaid reasons, the following interim order is passed :

(A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0235 of 2024, dated 18.06.2024, registered at Police Station Swargate, District Pune, for offences under Sections 506, 387, 406, 420, 386, 385, 120-B read with Section 34 of the Indian Penal

Code, he shall be released on bail, on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount;

(B) The applicant shall remain present before the Investigating Officer on 09th August, 2024, between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer;

(C) The applicant shall not in any manner contact the informant or any other person concerned with the informant during the pendency of the present application;

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

(F) The applicant shall cooperate with the investigation.

10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

11. List the application for further consideration on **13th September, 2024, "High on Board."**

(MANISH PITALE, J.)