

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

ANTICIPATORY BAIL APPLICATION NO. 2128 OF 2024

Mai @ Rohini Suresh Holkar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Ashutosh Kulkarni a/w Shaheen Kapadia i/by Vrushali L. Maindad for the Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

Mr. Somnath Shivaji Panchal, API, Hinjewadi Police Station.

**CORAM: MANISH PITALE, J.
DATE : 20th AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0478 of 2024 dated 12th April 2024 registered at Hinjewadi Police Station, Dist. Pimpri-Chichwad, for offences under Sections 465, 467, 468, 469, 471 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. At the outset, the learned counsel for the applicant submits that co-accused Vaishali Jayprakash Pawar has been granted anticipatory bail by this Court and application for anticipatory bail filed by co-accused Bhagwat Vishwanath Chaudhari is pending, wherein this Court has granted interim relief to the said

applicant/co-accused. It is submitted even if the allegations in the statement of the informant, which led to registration of the FIR, are to be taken into consideration, the role of the applicant herein is only that of a subsequent purchaser and therefore, this Court ought to grant relief of anticipatory bail to the applicant.

4. A perusal of the statement of the informant, which led to registration of the FIR, shows that according to the informant, the offences committed by the accused persons came to light when the informant applied for occupancy certificate after completion of construction on a particular piece of land. The allegations pertain to an initial transaction of the year 2018, whereby partnership firm of a co-accused persons had purchased the land in question and thereafter, the said land was sold to subsequent purchasers, one of whom is the applicant before this Court. The subsequent transaction is said to be of the year 2023.

5. The learned APP submits that there is material to indicate ingredients of the offences in the present case and there is material to show that a certain individual may have been impersonated in the transaction in question. It is submitted that in that light, the FIR specifically alleges the role of the applicant as being a person who agreed to purchase such a land, which can be said to be a piece of land that is subject matter of the aforementioned disputed transaction.

6. This Court is of the opinion that the allegation in the

present case against the applicant as the subsequent purchaser in the year 2023, is limited to failure on the part of the applicant in carrying out proper enquiry before entering into the transaction in the year 2023, thereby indicating that the applicant, along with co-accused persons, had entered into a conspiracy.

7. In this regard, the learned counsel for the applicant is justified in relying upon a public notice issued through the Advocate of the applicant and the other subsequent purchasers, inviting objections, if any, with regard to the proposed transaction. The Advocate for the applicant, who had issued the public notice, thereafter, issued a certificate to the effect that no objection was raised despite issuance of the public notice.

8. This Court is of the opinion that the aforesaid documents do *prima facie* indicate that the applicant had taken necessary steps for inviting objections and it could be said that proper enquiries were made by the applicant before entering into the transaction. In any case, there appears to be no allegation about any under valuation or depressed value of the land in question in the transaction of the year 2023, wherein the applicant is one of the purchasers.

9. In view of the above, the applicant has made out a *prima facie* case in her favour and since, she is ready to cooperate with the investigation, the present applicant deserves to be allowed.

10. Accordingly, the application is allowed in the following terms :

- (a) In the event the applicant is arrested in connection with FIR No. 0478 of 2024 dated 12th April 2024 registered at Hinjewadi Police Station, Dist. Pimpri-Chichwad, she shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall remain present before the Investigating Officer on 22nd 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 cooperate with the investigation, including producing all the necessary documents, and also in the proceedings before the trial Court.
- (d) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses or any other person concerned with the case.

11. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the

observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

12. The application is disposed of.

MANISH PITALE, J.