

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

Anticipatory Bail Application No.2217 of 2024

Raju Laxman Sagale
Aged about 48 years,
Occupation : service
Flat : Room No.5,
Motiram Gaikwad Chawl,
Tisgaon, Kalyan (East), Dist.Thane ... Applicant
v/s.

The State of Maharashtra
(Through Khadakpada Police Station) ... Respondent.

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Mr Prasanna Shahane for the Applicant.
Mr Yogesh Y Dabake, APP, for Respondent/State.
PSI Arjun Pralhad Dandegaonkar, Khadakpada Police Station is
present.

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**Coram : R.N. Laddha, J.
Date : 7 August 2024**

P.C. :

Heard Mr Prasanna Shahane, the learned Counsel
appearing on behalf of the applicant, and Mr Yogesh Dabake, the
learned Additional Public Prosecutor representing the
respondent/ State.

2. This is an application for pre-arrest bail filed by the
applicant, apprehending arrest in CR No.470 of 2022 registered
at Khadakpada Police Station, Thane, for the offences punishable

under Sections 419, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code (IPC).

3. According to the complainant, he was searching a flat in Kalyan area when the applicant introduced him to Jagdish Ramdas Bhoir and his brother Sandesh Bhoir, claiming they were building a new project. Jagdish and Sandesh allegedly told the complainant that Sakharam Bhoir was a partner in the development by a company of which Sakharam Bhoir was a partner and promised to allot flats No.801 and 802 to the complainant upon completion. The agreed upon price for the flats was Rs.1,01,46,000/-. The complainant transferred Rs.45,57,495/- vide RTGS and Rs.55,88,505/- after securing a loan, with the total amount being deposited into Jagdish's account. It is alleged that the applicant falsely presented himself as an associate of Jagdish and obtained various documents from Sakharam Bhoir's office. The applicant was aware that the transfer document had been executed by someone else posing as Sakharam Bhoir.

4. Mr Prasanna Shahane, the learned Counsel for the applicant, submits that the applicant is not the beneficiary; instead, his role was merely to introduce the complainant to Jagdish. The applicant believed that the flats in question belonged

to Jagdish, and the transaction took place directly between Jagdish and the complainant. According to the learned Counsel, the applicant is innocent and has been falsely implicated in the crime.

5. Mr Yogesh Dabake, the learned APP, submits that the present application is a third anticipatory bail application. The first application was rejected prior to the filing of the charge sheet, and the second application was dismissed after being withdrawn by the applicant. Subsequently, the applicant filed a pre-arrest bail application before the Sessions Court, which was rejected by an order dated 18.04.2024. A specific role has been attributed to the applicant in the crime and has been absconding since the date of its commission.

6. It is a settled position in law that the decision to grant anticipatory bail requires careful and prudent discretion by the Court, taking into account the specific circumstances of each case. While exercising this power, the Court must proceed with caution, recognising that granting protection in serious cases could potentially result in a miscarriage of justice or hinder the ongoing investigation by allowing tampering or destruction of evidence.

6. Upon perusing the records, it becomes evident that this is the third anticipatory bail application filed by the applicant. The first application was rejected prior to the charge sheet being filed, while the second application was dismissed as withdrawn after the charge sheet was filed. The allegations against the applicant involve assisting the co-accused in executing a sale deed for a flat at the Sub-Registrar's office, despite not having possession of the property. The photograph affixed to the transfer document did not match the actual developer, Sakharam Bhoir; someone else had impersonated him. Sakharam Bhoir confirmed that he did not sign or execute the deed. Although the agreement bore Sakharam Bhoir's name, the affixed photograph belonged to a different individual. Furthermore, Sakharam Bhoir mentioned that the applicant had taken various documents from his office overtime. The applicant falsely portrayed himself as an associates of Jagdish. Despite being aware of Sakharam Bhoir's identity, the applicant allowed the document to be executed by someone else posing as Sakharam Bhoir, resulting in the misappropriation of a huge amount of Rs.1,01,46,000/-. The material on record suggest that the applicant actively facilitated the co-accused in committing the crime. The applicant is named in the FIR and remains unavailable for investigation, even after rejection of previous applications. Considering the nature of allegations, the

argument against granting pre-arrest bail, as presented by the learned APP, is well founded.

7. In view of the above, the application stands rejected.

[R.N. Laddha, J.]