

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2221 OF 2024**

Mankar Haribhau Unde and Sopan Mankar Unde	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Ayush Pasbola a/w. Mr. Sudhir Bharadwaj for applicants.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. Vikas Shivaji Londhe, PSI, Dindori Police Station, District Nashik Rural.

CORAM : MANISH PITALE, J.

DATE : 20th AUGUST, 2024

P.C. :

1. Heard learned counsel for the applicants and the learned APP for respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0314 of 2024 dated 16.07.2024 registered at Dindori Police Station, District Nashik Rural for offences under Sections 420, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The FIR has been registered as the informant has claimed that she was impersonated by another woman and her immovable property was sold to the applicants. It is her case that the applicants alongwith the co-accused persons, have therefore, duped her and in the process, forged documents have been relied upon.

4. The learned counsel for the applicants submits that the applicants are *bonafide* purchasers of property for value. It is their case that the co-accused Chetan Bhujbal gave an impression to the applicants that the subject land was available for sale. Since the applicants were interested in purchasing the said land, they entered into the transaction and in the process, paid huge amount of ₹ 1.54 crores as consideration to the vendor. The applicants had no idea about the vendor being allegedly impersonated. It is submitted that the said sale deed has been already submitted to the investigating officer and in this backdrop, the present application may be allowed.

5. The learned APP submitted that the original sale deed has been indeed handed over to the investigating officer. It is submitted that the applicants, by purchasing the property from an individual who impersonated the original owner, are part of the conspiracy in the present case.

6. This Court has perused the statement leading to registration of FIR. According to the informant, she has suffered grave loss and she has been cheated, for the reason that some other person impersonated in her place and the applicants purchased the land in question. It is alleged that forged documents were utilized in the process, thereby leading to registration of the said offences.

7. There can be no doubt about the fact that the allegations made against the accused persons are serious and offences include serious offence under Section 467 of the IPC. But, seriousness of the offences in itself cannot be a ground to refuse anticipatory bail. The role of the applicant accused persons needs to be examined.

8. In the present case, applicant No.1 is an 81-year old individual and applicant No.2 is his son. *Prima facie*, both of them appear to have purchased the property in question on payment of huge amount of consideration of ₹ 1.54 crores and there is substance in the contention raised on behalf of the applicants that they proceeded on the basis of representations made to them about the vendor as well as the nature of immovable property. It is an admitted position that the applicants have already handed over the original sale deed, which is the very subject matter of investigation in the present case. In that light, this Court is convinced that physical custody of the applicants is not required, so long as they are ready to co-operate with the investigation.

9. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicants are arrested in connection with FIR No.0314 of 2024 dated 16.07.2024 registered at Dindori Police Station, District Nashik Rural, they shall be released on bail on furnishing PR Bonds of ₹ 50,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) the applicants shall remain present before the Investigating Officer on 23.08.2024 and 24.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon to remain present;
 - (iii) the applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case;
 - (iv) The applicants shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli