

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

ANTICIPATORY BAIL APPLICATION NO.2261 OF 2024

1) Paresh Vijay Khetia

Age: 37 years, Occ: Business,
Residing at: Flat No.1002,
Tower 7, Sagar Darshan CHS Ltd.,
Plot No. 38, Sector 18, Nerul West,
Navi Mumbai, Thane – 400706

2) Bhavesh Bipinbhai Punjani

Age: 40 Years, Occ: Business,
Residing At: Flat No.101, Tower No.1,
Sagar Darshan CHS Ltd.,
Plot No. 38, Sector 18, Nerul West,
Navi Mumbai, Thane – 400706

... Applicants

v/s.

The State of Maharashtra

(At the instance of the P.I. -

C.B.D Belapur Police Station,

Navi-Mumbai).

... Respondent

....

Mr Aniket Nikam, i/b. Nihal Mansuri, for the Applicant.

Mr Arfan Sait, APP, for Respondent State.

Mr Vinod R Gupta, for the Intervenor.

PSI VG Wagh, CBD Belapur Police Station, Navi Mumbai.

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Coram : R.N. Laddha, J.

Date : 12 August 2024

P.C. :

Heard Mr Aniket Nikam, the learned Counsel for the applicant,
and Mr Arfan Sait, the learned Additional Public Prosecutor

representing the State.

2. By this Application the applicant is seeking bail in connection with CR No.135 of 2024, registered with CBD Belapur Police Station, Navi Mumbai, against the applicant and other co-accused for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 120-B read with 34 of the Indian Penal Code(IPC).

3. According to the prosecution, the applicants, in collusion with co-accused Mangesh Koli, prepared false documents, entered into an agreement with the informant and fraudulently obtained Rs.66,75,000/-.

4. Mr Aniket Nikam, the learned Counsel for the applicants, submits that the applicants neither benefited nor entered into any agreement with the informant. Instead, the applicants acted solely as mediators, charging a brokerage commission. Upon discovering that the co-accused, Mangesh Koli, relied on forged documents, the applicants promptly transferred the entire brokerage commission to the informant's company, M/s Tescon Infra. The applicants have no involvement in the sum transferred to co-accused Mangesh Koli. Mangesh Koli was arrested and subsequently granted bail. The investigation is on the verge of completion. The learned Counsel highlights WhatsApp chat records with the co-accused, demonstrating the applicants' genuine efforts to persuade him to return the amount to the informant.

5. On the other hand, Mr Arfan Sait, the learned APP for the respondent/State, submits that the applicants, in collusion with the co-accused, Mangesh Koli, prepared a forged sanction letter in the name of CIDCO and obtained Rs.66,75,000/- from the informant by deception. The investigation is in progress. The applicant prepared an MOU and signed it as a witness. The allegations are serious.

6. Upon perusing the records, the allegations against the applicants appear twofold. Firstly, they signed the MOU executed between the informant and the co-accused, Mangesh Koli, as witnesses. Secondly, they accepted a brokerage amount from the informant in relation to the sale transaction. However, no material on record suggests that the applicants colluded with the co-accused, Mangesh Koli, to create any forged documents, as alleged. Furthermore, the brokerage amount received from the informant was promptly refunded. The WhatsApp chat records, prima faice, indicate that once the applicants became aware of the forged documents, they urged Mangesh Koli to return the amount to the informant. Mangesh Koli was subsequently arrested and released on bail. The investigation is almost complete.

7. In circumstances, this Court is inclined to grant pre-arrest bail to the applicants. Accordingly, the application is allowed in the following terms:

(i) In the event of applicants' arrest, in CR No.135 of 2024, registered with CBD Belapur

Police Station, Navi Mumbai, they shall be released on bail, on furnishing a PR Bond of Rs.25,000/- each with one or more sureties in the like amount.

(ii) The applicants shall cooperate with the investigation and attend the concerned police station as and when required.

(iii) The applicants shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. It is made clear that the observations made herein are prima facie and only for the purpose of deciding the present application.

[R.N. Laddha, J.]