

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

ANTICIPATORY BAIL APPLICATION NO. 2290 OF 2024

- | | | | |
|----|-------------------------|-----|------------|
| 1. | Rushabh Santosh Jain | | |
| 2. | Dinesh Chaganlal Rathod | ... | Applicants |

Versus

The State of Maharashtra & Anr.	...Respondents
---------------------------------	----------------

- Mr. Satyam Harshad Nimbalkar a/w Mr. Abhishek Ulhas Arote, Mr. Yash Vishal Saxena and Mr. Harshwardhan Milind Pawar, for Applicants.
- Mr. R.M. Pethe, APP for Respondent – State.
- Mr. A.V. Konde Deshmukh, for Original Compalinant.
- Mr. Anil Mahadev Chavan, PSI, Bhore Police Station, Pune (Rural).

CORAM : MANISH PITALE, J.

DATE : 21st August, 2024.

P. C. :

1. The applicants before this Court are persons apprehending arrest in connection with First Information Report No.0341 of 2023, dated 30.10.2023 registered at Police Station Bhore, District Pune, for offences under Sections 417, 420, 465, 467, 468, 471, 447, 504, 511, 506 and 507 read with Section 34 of the Indian Penal Code (IPC) and Sections 66(c) and 66(d) of the Information Technology Act.

2. The applicants are purchasers in the context of a document, which is the subject matter of the grievance of the informant. It is the case of the informant, who is a director of a company called Shree Parekh Estates Private Limited, that the registered sale deed executed in favour of the

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS
MALANI
Date: 2024.08.21
18:41:17 +0530

applicants is a bogus and concocted document, for the reason that it is executed by a person claiming to be the vendor, who had no authority to sell the subject land on behalf of the aforesaid company. It appears that co-accused Kiran Kamble placed reliance on a concocted and bogus resolution of the said company to claim authority to execute the registered sale deed in favour of the applicants as purchasers. The other co-accused persons are consenting parties to the aforementioned sale deed.

3. It is brought to the notice of this Court that during the pendency of the anticipatory bail application before the Sessions Court, the applicants were enjoying interim protection in terms of order dated 09.11.2023. Eventually, the Sessions Court dismissed the application of the applicants on 22.07.2024.

4. It is further brought to the notice of this Court that during the pendency of the proceedings, the applicants settled the matter with the original informant and an MoU dated 25.04.2024, was executed, whereby the applicants have agreed to purchase the very same property from the rightful owners i.e. the informant company for valuable consideration. Copy of the MoU is on record. An affidavit of undertaking is tendered on behalf of the applicants, wherein it is stated that the applicants shall ensure that a proper sale deed in respect of the aforesaid land would be executed in terms of the

settlement / MoU executed between the parties. It is further stated in the affidavit that the applicants have also giving their no objection in a Civil Suit filed on behalf of the said company in the Competent Court at Pune for cancellation of the registered sale deed executed by co-accused Kiran Kamble, claiming to be the representative of the said company. An oral assurance is given to this Court on behalf of the applicants that the sale deed would be executed at the earliest and in any case within two weeks from today.

5. Mr. Konde Deshmukh, learned counsel having instructions to represent the original informant is present in Court and he submits that the parties have indeed settled their dispute and so long as the applicants are ready to go ahead with execution of the document in terms of the MoU, the informant would not be pressing his grievance. The learned counsel having instructions to appear on behalf of the informant seeks time to file *Vakalatnama*. The learned counsel for the applicants makes a oral prayer for adding the first informant as respondent No.2.

6. Leave is granted to amend the cause tile to add the original informant as respondent No.2. The amendment be carried out forthwith.

7. The learned APP does not have much to say in the light of the submissions recorded hereinabove. He submits that the statement of the informant, leading to registration of the FIR, does make out the ingredients of

the offences registered in the present case.

8. Be that as it may, considering the chronology of events brought to the notice of this Court and particularly in the light of the aforesaid MoU executed between the applicants and the informant, as also the aforesaid affidavit of undertaking tendered by the applicants, which is taken on record and marked “X” for identification, this Court is inclined to grant protection from arrest to the applicants till the next date of listing.

9. In view of the above, list the application for further consideration on 18th September, 2024, to be included in the “Supplementary List.”

10. In the meanwhile and till the next date of listing, the applicants shall not be arrested.

(MANISH PITALE, J.)