

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

ANTICIPATORY BAIL APPLICATION NO.2290 OF 2024

Rushabh Santosh Jain & Anr. ..Applicants
Versus
The State of Maharashtra ..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2443 OF 2024**

Pappu Pandurang Mirkute & Ors. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Satyam H. Nimbalkar (through VC) a/w Abhishek Ulhas Arote,
& Yash V. Saxena, for the Applicants in ABA/2290/2024.
Mr. Sachin R. Pawar, for the Applicants in ABA/2443/2024.
Mr. R. M. Pethe, APP for the Respondent/State in ABA/2290/2024.
Mr. Balraj B. Kulkarni, APP for the Respondent/State in
ABA/2443/2024.
Mr. Uday S. Kondhalkar, for the informant in ABA/2443/2024.
Ms. Aruna Pai, for the proposed intervenor (appearance not
submitted).
Mr. Vikas Lagas, Head Constable, Bhore Police Station, Pune (Rural)
– present.

CORAM : MANISH PITALE, J.

DATE : 18th SEPTEMBER, 2024

P. C.

1. In Anticipatory Bail Application No.2290 of 2024, this Court granted direction in favour of the Applicants that they shall not be arrested till the next date of hearing i.e. today 18th

September, 2024. While granting such a direction, this Court took into consideration the Memorandum of Understanding (MOU) executed on 25.04.2024 between the informant and the Applicants, whereby the Applicants had agreed to purchase very same property for valuable consideration as demanded by the informant. In fact, this Court was informed that the sale-deed in that context would be executed at the earliest and in any case within two weeks from the date of the order.

2. Today, when the matter is called out for hearing, this Court is informed that the sale-deed could not be executed due to technical difficulties and the learned counsel for the Applicants on instructions submitted that appropriate steps would be taken immediately, so as to ensure that the sale-deed is executed within three weeks from today. Learned counsel for the informant on instructions submits that there are indeed certain technical difficulties that need to be sorted out and that the informant would not have objection to such time period being granted. In fact, the informant continues to express consent for the interim protection to be extended, so that the intention of the parties in terms of the MOU is brought to a final conclusion.

3. But this Court is of the opinion that blanket protection from arrest was granted on the last date by order dated 21.08.2024, on an impression carried by this Court that the entire dispute was settled and that only execution of the sale-deed in terms of the MOU

remained. But, it has come to light today that the sale-deed could not be executed and that the further subsequent development is to the effect that presently sale-deed for lesser area is intended to be executed, as compared to the area mentioned in the MOU. It is an admitted position that under the MOU the Applicants have paid an amount of Rs.25,00,000/- to the informant and therefore, to that extent, they have been able to show their bonafides. Additionally, there is substance in the contentions raised by the learned APP that this is essentially a case of serious offences including offence under Section 467 of the IPC and therefore, this Court may not grant blanket protection from arrest.

4. In that light, while this Court is inclined to adjourn the hearing of this Application to a future date, the protection from arrest as an interim measure ought be granted by imposing appropriate conditions on the Applicants.

5. As regards Applicants in Anticipatory Bail Application No.2443 of 2024, it is submitted that in one of the transactions, the said Applicants are shown as consenting parties, but as regards a piece of land admeasuring 21 Are, they are purchasers. Learned counsel for the said Applicants on instructions makes a statement that the Applicants are ready to re-convey the said piece of land to the informant and in that light, this Court may consider granting conditional interim relief. The Applicants in the said Application undertake to abide by appropriate conditions that may be imposed.

6. Learned counsel for the informant submits that he would take appropriate instructions in the matter.

7. In view of the above, list both the Applications for further consideration on 16th October, 2024, to be included in the Supplementary List.

8. In the meanwhile, there shall be interim order in both the Applications as follows :-

- (a) Till the next date, in the event of Applicants are arrested in connection with FIR No.0341 of 2023 dated 30.10.2023 registered at Bhore Police Station, District Pune, they shall be released on bail on furnishing PR bond in the sum of Rs.15,000/- each with one or two sureties in the like amount.
- (b) The Applicants shall appear before the Investigating Officer on 21st September, 2024 and thereafter as and when called by the Investigating Officer.
- (c) The Applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.
- (d) The Applicants shall co-operate with the Investigating

Officer, including producing documents that are in their possession as may be demanded by the Investigating Officer.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

10. List both these Applications for further consideration on 16th October, 2024, to be included in the Supplementary Board.

(MANISH PITALE, J.)