

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

Anticipatory Bail Application No. 2630 of 2024

Laxman Tukaram Nimbalkar
Age 60 years, Occ. Business,
R/o. Sayali Complex,
Block No.08, SM Paranjpee
Lane, Kakartale, Mahad.

... Applicant

Vs.

1. The State of Maharashtra
(At the instance of RCF
Police Station)

2. Imeet Gurusharan Singh
Age 37 years, Occ.: Business,
R/at. Plot No.602B, Basant Vihar,
Koho Sosa, B Building, Behind
Basant Cinema, Chembur,
Mumbai – 400 071.

... Respondents

Mr Saurabh Butala, for the Applicant.
Mr Arfan Sait, APP, for Respondent No.1/ State.
Mr Bhavesh Thakur, for Respondent No.2.
PSI Kedari, RCF Police Station, Mumbai, is present.

Coram: R. N. Laddha, J.
Date: 9 October 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in
CR No.395 of 2024, registered at RCF Police Station, Mumbai,

for offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

2. The prosecution alleges that the applicant, in collusion with the co-accused, fraudulently obtained a sum of Rs.44,14,000/- from the informant, under the guise of selling a parcel of land measuring three acres located at Vadgaon. This land was purported to be sold with essential amenities, including transportation, water and electricity. However, when the time came to execute the sale deed, instead of completing the transaction, the applicant and the co-accused, deceitfully secured the informant's signatures on a Power of Attorney and had it registered without his full knowledge or consent. Additionally, despite receiving the substantial amount, the accused neither transferred possession of the land to the informant nor return the money they accepted.

3. Mr Saurabh Butala, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime. Initially, the informant approached the applicant with the intent to purchase two-three acres of land. After being shown a property, the informant expressed that the price was beyond his budget and requested the applicant to find an alternative property within his financial

capacity. The applicant, following the instructions of the informant, identified another piece of land, which the informant accepted along with the agreed price. However, after making initial payments, the informant delayed and avoided paying the balance amount. Additionally, the learned Counsel highlights the delay in filing the FIR.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State and Mr Bhavesh Thakur, the learned Counsel appearing for respondent No.2, jointly submit that a substantial sum of Rs.44,14,000/- is involved in the crime. They argue that the offence is serious, as the applicant received the amount and did not deny the dealings with the informant. The learned APP further submits that the custodial interrogation of the applicant is necessary to ascertain the money trail, and the applicant's conduct indicate that the offence was pre-meditated.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. It appears that the applicant stands accused of accepting substantial sums under the pretence of selling land and providing associated facilities. *Prima facie*, there is material to suggest that the applicant, along with the co-accused, received

these funds from the informant by promising to sell the land. However, instead of completing the sale, they allegedly obtained the informant's signature on a Power of Attorney through dishonest means. Notably, the applicant has not denied the transaction or the receipt of the funds. Additionally, the applicant has criminal antecedents of a similar nature. The investigation is at the nascent stage, and granting protection to the applicant, at this point, would hinder the ongoing investigation. In such cases, custodial interrogation is crucial to uncover the fraud in all its facets, including tracing the money and identifying all those involved. In the totality of the circumstances, this Court is not inclined to grant pre-arrest bail to the applicant. As a result, the application stands rejected.

(R. N. Laddha, J.)