

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2694 OF 2024

Ganesh Eknath Magar	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Aniket Nikam a/w. Mr. Amit Icham for Applicant.

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

Mr. Gajanan Ratan Cheke, PSI, Baramati City.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 07, 2024

P.C. :

. Heard Mr. Nikam, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0634 of 2024 dated 16.08.2024 registered with Baramati City Police Station, District - Pune Rural, for offences under Sections 419, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code (IPC).

3. The informant, in the present case, approached the police with a grievance that some other person impersonated and sold his land to the co-accused person and when the said registered document was executed, the applicant had signed the said document as one of the witnesses.

4. The learned counsel for the applicant submits that the subject document was executed on 16.02.2024 and only a few days prior to that, on 24.01.2024, the applicant and the co-accused person, who purchased the land had entered into a transaction. It was because the said accused person i.e. the purchaser Nitin Dangat called the applicant to sign merely as a witness to the subject document, believing the co-accused person in

good faith, the applicant signed as a witness. It is submitted that the document indeed shows that the applicant identified the co-accused impersonator also but it was only in good faith. It is submitted that there is nothing to indicate that the applicant is a beneficiary in the subject transaction. It is further submitted that the investigating authority cannot rely upon the statement of the purchaser Nitin Dangat, who is actually a beneficiary under the transaction, to object to the prayer of anticipatory bail.

5. On the other hand, the learned APP relies upon the investigation papers, particularly statement of the co-accused Nitin Dangat, who is shown as the purchaser of the land in the subject document. It is submitted that the aforesaid statement clearly brings out the role of the applicant, as also the other person who signed as a witness to the subject document, indicating that it was the applicant who could be said to be one of the beneficiaries under the transaction.

6. This Court has considered the rival submissions in the light of the material brought to the notice of this Court. The informant has made serious allegations against the accused persons, including allegations pertaining to offence under Section 467 of the IPC. The absconding accused person was produced before the office of the Sub-Registrar during registration of the subject document, whereby land belonging to the informant was shown to have been purchased by the co-accused Nitin Dangat. The document records the manner in which the transaction took place and the consideration amount was exchanged. The document clearly shows that the applicant signed as a witness to identify the impersonator also.

7. The explanation sought to be given at this stage by the applicant cannot be accepted when the prayer for anticipatory bail is being considered, while the investigation is still underway. The applicant is not

justified in claiming that this Court cannot look into the statement of the co-accused purchaser i.e. Nitin Dangat recorded during the course of investigation. In the said statement, it is specifically recorded that the said purchaser Nitin Dangat was interested in purchasing land although he did not himself know the owner of the land. It is specifically stated that the applicant had a role to play in negotiating the transaction with the person claiming to be the owner of the land. It is also specifically stated that a cheque of Rs.2 lakhs was handed over to the applicant, who in turn handed over the cheque to the person claiming to be the owner of the land and thereafter cash amount of Rs.1.70 lakhs was handed over to the applicant. It is then specifically stated that the applicant and the other witness signed on the subject document as persons, who knew and identified the aforesaid absconding co-accused person, who in turn, was impersonating as the owner of the land in place of the informant.

8. Considering the aforesaid material, this Court is of the opinion that no case is made out for granting anticipatory bail to the applicant. Accordingly, the application is dismissed.

(MANISH PITALE, J.)

Minal Parab