

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2915 OF 2024

Vinod Vitthal Gagre	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Ayush Pasbola a/w. Ms. Mrunal Bhide for Applicant.
Mr. Babu V. Holambe-Patil, APP for Respondent-State.
Ms. Gayatri M. Jadhav, API, Dindori Police Station.

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 13, 2024

P.C. :

1. Heard Mr. Pasbola, learned counsel for the applicant and Mr. Holambe-Patil, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0314 of 2024 dated 16.07.2024 registered with Dindori Police Station, District - Nashik Rural, for offences under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. This is a case where the informant has alleged that she was impersonated by another woman and immovable property belonging to her was illegally sold in favour of the purchasers for valuable consideration of Rs.1.54 crores. The applicant herein had signed the sale deed as one of the witnesses and therefore, he has been arraigned as an accused along with the purchasers and the property agent through whom the entire transaction was undertaken. The woman, who impersonated the informant, has also been shown as an accused, although she is said to be absconding.

4. The learned counsel for the applicant brought to the notice of this

Court that the purchasers in the said transaction, who have been arraigned as accused persons, were granted relief of anticipatory bail by this Court by order dated 20.08.2024 passed in Anticipatory Bail Application No.2221 of 2024. He further tenders a copy of statement of one of the purchasers recorded by the police on 03.07.2024 before registration of the FIR, wherein the said person has clearly stated that he was duped by the property agent and that he was not aware about the fact that some other woman was impersonating the informant as a vendor, further stating that the applicant as his friend had accompanied him to sign the document as a witness. The said statement is taken on record and marked 'X'.

5. On this basis, it is submitted that since the applicant is not a beneficiary under the said transaction and he merely identified the purchasers, no criminal liability can be foisted upon him.

6. The learned APP submits that since the applicant has signed a document as witness, he has been arraigned as an accused.

7. This Court is inclined to allow the application for the reason that there is no material to indicate that the applicant, in any manner, can be said to be a beneficiary under the said transaction. There is nothing to indicate any money trail reaching upto him as regards amount of Rs.1.54 crores paid as consideration for the said immovable property. The statement of one of the purchasers to the effect that the applicant accompanied the purchaser at the time of execution of the transaction as a friend and to identify the purchaser, clearly indicates a strong *prima facie* case in favour of the applicant for him to assert that no criminal liability can be foisted upon him.

8. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0314 of 2024 dated 16.07.2024 registered with Dindori Police Station, District - Nashik Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)

Minal Parab