

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3015 OF 2024

Satish Appaji Sawant

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Mandar Limaye a/w Mr. Verendra Pethe and Mr. Vedant Bende, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Ravindra Ashok Gavade, Police Sub Inspector, Kondhwa Police Station.

CORAM : MANISH PITALE, J.

DATE : 14th NOVEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0400 of 2023, dated 18.04.2023, registered at Police Station Kondhwa, District Pune City, for offences under Sections 406, 420, 464, 468, 471, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant shows that according to him, valuable consideration of ₹ 4.88 Crores was paid to the applicant between July, 2016 to November, 2016 through RTGS for the purpose of execution of sale deed by the applicant in respect of a bungalow in favour of the informant.

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It is alleged that the applicant did not inform the informant that there was an outstanding loan on the said bungalow due to which the informant has been duped.

4. The investigation papers will have to be perused because there is a specific allegation made by the informant that amounts were transferred through RTGS to the applicant. In fact, the copy of the sale deed placed on record shows that the dates of such transfers have also been specified in the sale deed.

5. But, this Court is inclined to grant interim relief in favour of the applicant for the following reasons :

- (a) As far back as on 18.09.2021, the applicant had submitted a complaint to the concerned Police Station, stating that action was taken by the concerned financial institution against the applicant in the context of the aforesaid bungalow, as there was default in repayment of the loan amount. In pursuance of the proceedings undertaken by the financial institution under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), even the possession of the bungalow was taken by

the financial institution as per notice dated 13.04.2018 issued under Section 13(2) of the Securitisation Act. It is specifically stated in the said complaint that the financial institution had informed the applicant that certain persons had taken possession of the bungalow. On enquiries, the applicant found that the bungalow appeared to be in possession of one Raees Shaikh.

- (b) On 06.12.2022, the applicant filed civil suit for declaration and permanent injunction, wherein the informant has been arraigned as defendant No.1. A specific declaration is sought by the applicant to the effect that there is no agreement of sale between him and the informant in respect of the said bungalow. The summons in the said suit were served on the informant.
- (c) About 4 months after filing of the aforesaid civil suit i.e. on 18.04.2023, the informant has caused the FIR to be registered. The documents placed on record with the application, *prima facie* indicate that the applicant had been raising grievance from September, 2021 itself and he also filed the aforementioned suit in December, 2022, while the FIR came to be registered in April, 2023.

- (d) The applicant is ready to cooperate with the investigation, including remaining present before the Investigating Officer.

6. In view of the above, there shall be interim order in the following terms :

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0400 of 2023, dated 18.04.2023, registered at Police Station Kondhwa, District Pune City, he shall be released on bail on furnishing PR Bond of ₹50,000/- with one or two sureties in the like amount.
- (B) The applicant shall remain present before the Investigating Officer on 18th November, 2024, and 19th November, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicant shall co-operate with the investigation.
- (D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

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

8. List for further consideration on 16th December, 2024, “High on Board.”

(MANISH PITALE, J.)