

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

**ANTICIPATORY BAIL APPLICATION NO. 3020 OF 2024**

|                              |     |            |
|------------------------------|-----|------------|
| Mahesh Chandrakant Paghdhare | ... | Applicant  |
| Versus                       |     |            |
| The State of Maharashtra     | ... | Respondent |

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Mr. Ayush Pasbola a/w Mrunal Bhide and Mr. Sankalp Vichare for the Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

Mr. Ajit S. Pandagale, Police Constable, EOW Palghar.

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**CORAM: MANISH PITALE, J.  
DATE : 19<sup>th</sup> NOVEMBER 2024**

**P.C. :**

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

2. The applicant is apprehending arrest in connection with FIR No. 0003 of 2024 dated 13<sup>th</sup> January 2024 registered at Tarapur Police Station, Dist. Palghar, for offences under Sections 406, 420, 465, 467, 468, 471, 120-B read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

3. The informant in the present case has claimed that he was duped, as accused persons concerned with a company called Skyline Trading and Export Private Limited, sold a piece of land to the informant without informing that it was located in a no

construction zone. As a consequence, the construction undertaken by the informant was demolished and he suffered substantial losses.

4. The learned counsel for the applicant submits that there is no direct connection of the applicant with the grievance of the informant, simply for the reason that the applicant was the chairman of a society of fishermen, who had entered into a registered agreement for sale with the aforesaid company, wherein part consideration was paid with a clear understanding that the balance consideration would be paid only after necessary permissions had been obtained. It was submitted that the amounts received in the individual account of the applicant can also be explained with documentary material and it is significant that individual members of the said society of fishermen, were also paid amounts by the aforesaid company.

5. It is emphasized that two co-accused persons, who had been denied anticipatory bail by this Court on the ground that certain amount had found its way to their accounts, were granted relief of anticipatory bail by the Supreme Court in Special Leave Petitions filed against the orders of this Court.

6. The learned APP, on the other hand, submitted that the investigation revealed that huge amounts were credited to the account of the applicant in the context of transactions, which ultimately led to the subject transaction, wherein the informant

was clearly duped. It was submitted that the applicant can be said to be linked with the grievance of the informant in the present case.

7. Having considering the rival submissions, this Court is inclined to allow the application, for the following reasons :

- (a) The registered agreement for sale dated 31<sup>st</sup> March 2012, copy of which is placed on record, shows that it was a transaction between the aforesaid company and the society of fishermen, of which the applicant was the chairman. A particular clause in the said registered agreement clearly shows that part consideration was received and the balance consideration was to be paid by the company after bonafide industrial purpose permissions were obtained. This is an indication of the fact that when the transaction was entered into, the company was aware about the fact that certain permissions would be required for the sale deed to be executed.
- (b) The list of individual members of the society of the fishermen, which is part of the aforesaid registered document, shows that amounts were transferred to the credit of such members and the applicant also being a member and chairman of the society, it can be said that the amounts credited in his account, were atleast partly explained.

- (c) The grievance of the informant *prima facie* does not appear to be directly against the applicant, as according to the informant, he was duped by the company through its Director, who is unfortunately no more, into purchasing land in a no construction zone, which ultimately resulted in losses to the informant.
- (d) This Court had dismissed anticipatory bail applications of two co-accused persons, primarily on the ground that certain amounts concerning the transactions in respect of the land in question, had found their way into their accounts. In Special Leave Petitions filed by the said co-accused persons, the Supreme Court granted anticipatory bail, subject to the said co-accused persons cooperating with the investigation. A similar direction can be issued in the context of the present applicant also.
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. 0003 of 2024 dated 13<sup>th</sup> January 2024 registered at Tarapur Police Station, Dist. Palghar, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall remain present before the

Investigating Officer on 25<sup>th</sup> and 26<sup>th</sup> November 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer. The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

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.

10. The application is disposed of.

**MANISH PITALE, J.**