

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3330 OF 2024

1. Pradeep Dashrath Yadav
2. Dropadabai Dashrath Yadav ... Applicants
Vs.
State of Maharashtra and another ... Respondents

Mr. Prashant Subhash Hagare for Applicants.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Prabhakar Khanase, PSI, Dehu Road Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 11, 2024

P.C. :

. Heard Mr.Hagare, learned counsel appearing for the applicants and Mr. Kulkarni, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0483 of 2023 dated 29.08.2023 registered with Dehu Road Police Station, Pimpri Chinchwad, for offences under Sections 406, 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant, in the present case, has raised a grievance against the applicants that they have cheated him, for the reason that substantial amounts were taken from him between December 2020 and March 2021 on the promise of transferring a piece of land in his favour. But no such document was ever executed. Instead, the applicants sold the aforesaid piece of land to a third party, thereby cheating the informant.

4. The learned counsel for the applicants submits that the FIR can be said to be delayed for the reason that the last alleged payment was of March 2021 and the aforesaid sale deed executed in favour of the third

party also pertains to April 2022, while the FIR was registered in August 2023. It is further submitted that the informant is a police constable working in the very same police station and the transaction between the parties concerned a loan amount advanced by the applicant No.1 to the informant and the consequent difference of opinion and dispute between the two with regard to the same. It is highlighted that the applicant No.2 is the mother of the applicant No.1 and she is a senior citizen.

5. The learned APP, on the other hand, submits that ingredients of the offences are made out from the statement of the informant and that the subject land was sold to the third party, despite the fact that substantial amounts were received by the applicants from the informant in respect of the very same piece of land.

6. While keeping the present application pending, this Court is inclined to grant interim relief in favour of the applicants for the following reasons:-

- a. *Prima facie*, the FIR appears to be delayed, for the reason that the last alleged payment made to the applicants was in March 2021, the sale deed executed in favour of the third party was of April 2022, while the FIR came to be registered on 29.08.2023;
- b. The informant is a police constable and in that sense, he would be aware about the requirements of law and this aspect also becomes relevant while appreciating the question as to whether the FIR is delayed;
- c. The applicant No.2 is a senior citizen, aged about 64 years and both the applicants are ready to co-operate with the investigation;
- d. The applicants do not have any criminal antecedents and this

factor also inures in their favour;

7. In the meanwhile, there shall be interim relief in the following terms:-

- A. Till the next date, in the event the applicants are arrested in connection with FIR No.0483 of 2023 dated 29.08.2023 registered with Dehu Road Police Station, Pimpri Chinchwad, they shall be released on bail on furnishing PR Bond of Rs.15,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court;
- B. The applicants shall remain present before the investigating officer on 14.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

8. In case any of the aforesaid conditions is violated, the present order would be liable to be cancelled.

9. Stand over to 15.01.2025, High on Board.

(MANISH PITALE, J.)

Minal Parab