



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 323 OF 2024

Sachin Jaikumar Bawane V/s State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 327 OF 2024

Yogesh Dinesh Vasani V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, counsel for the applicant. (ABA 323/2024)

Mr. N. Majithia, counsel for the applicant (ABA No. 327/2024)

Mr. Ganesh Umale, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/06/2024.

1. Both these applications arising out of the same crime No. 383/2024 registered with Police Station Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860, and Sections 82 and 83 of the Registration Act, 1908.

2. The applicants are apprehending arrest at the hands of Police in connection with above said Crime therefore, they approached this Court for grant of pre-arrest bail.

3. It is alleged that the present applicants, i.e. Sachin Jaikumar Bawane and Yogesh Dinesh Vasani, are working as brokers. It is alleged that one Yogesh Dinesh Vasani, i.e.

applicant in Criminal Application (ABA) No. 327/2024, met the informant in the month of November and informed him that one plot is available for sale, and if he is interested, he can purchase the same. It is further informed that one Roshan More executed an Issar Chitti of said plot from the original owner, but due to financial crunch, he is unable to execute the sale-deed, and therefore, the informant alongwith his friend went to survey the plot. As the informant was interested and requested said Vasani for the papers of the aforesaid mentioned plot, said Vasani has shown Issar Chitti executed between Roshan More and the original owner. It is alleged that though he was willing to purchase the said plot, and the sale-deed is not executed in his favour. It is alleged that the applicants have committed the offence punishable under Sections 420, 467, 468, and 471 of the Indian Penal Code, 1860.

4. The learned counsel for the applicants submitted that, at the time of executing the sale-deed, only the presence of the present applicants was shown, as far as the applicant, Sachin Jaikumar Bawane is concerned, there was no previous acquaintance between him and the informant. He submitted that the allegation is that the sale deed is executed by impersonating the original owner. However, there is no material to show that the applicants were present at the relevant time. He submitted that the entire case revolves around the documentary evidence; all the documents are already in the possession of the investigating agency. They further submitted that, as far as the custodial interrogation is

concerned, other co-accused is already arrested. In view of that, the custodial interrogation of the present applicants is not required.

5. The learned APP strongly opposed the said application on the ground that by impersonating the original owner sale-deed is executed, and therefore, custodial interrogation of the present applicants is required for the purpose of the investigation.

6. After hearing learned counsels for both parties and on perusal of the investigation papers, which show that the original owner has executed the agreement to sell in favour of one Roshan More. It appears from the sale-deed that Shardha Vasantrao Navghare who has executed the agreement to sell in favour of the Roshan More, has not executed the sale-deed in his favour but executed the sale-deed in favour of the informant and his friends. The said sale-deed is also seized by the police during the investigation.

7. Thus, from the recitals of the sale-deed, it appears that the original owner has executed the sale-deed in favour of the informant, Satish Shayamsunder Sharma, and Deepak Shankarlal Mantri. As far as the allegation regarding the forged document is concerned, which is against said Shardha Navghare and the Roshan More. As far as the present applicants are concerned, there are only allegations against them that they acted as brokers in the said transactions. Considering the role, it is apparent that they were not involved

in preparing the forged documents therefore, their custodial interrogation is not required. Considering the role of both the applicants, the ad-interim protection granted to the applicants deserves to be confirmed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a] The criminal applications are allowed.
- b] In the event of arrest, crime No. 383/2024 registered with Police Station Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860, and Sections 82 and 83 of the Registration Act, 1908, the applicant in Criminal Application **(ABA) No. 323/2024 - Sachin Jaikumar Bawane** and Criminal Application **(ABA) No. 327/2024 - Yogesh Dinesh Vasani** shall be released on anticipatory bail on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicants shall attend the concerned police station once in a week on Monday between 10.00 a.m. and 01.00 p.m. and shall cooperate with the investigating agency.

- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

Both the applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]