



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

40 ANTICIPATORY BAIL APPLICATION NO. 1708 OF 2024

Balu Bhanudas Kale & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. N. B. Narwade, Advocate for Applicants.
Mr. B. A. Shinde, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 2nd JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 571/2024 registered with Karjat Police Station, Tq. Karjat, Dist. Ahmednagar for the offences punishable under Sections 420, 468, 471, 419 read with Section 34 of Indian Penal Code.

2. First Information Report indicates that it is the case of informant Pandurang that he is the owner of agricultural land at Rakshaswadi Bk, Tq. Karjat. He found that his land is transferred in the name of Kushal Onkar Shitole. It is subsequently revealed that on the basis of bogus documents, a sale-deed was registered with Registrar of Assurance, Karjat vide document No. 2117/2023 and 2128/2023. When he approached Kushal Shitole and his father

Onkar Shitole, they told him about their intention to purchase the land at Karjat and for that purpose having appointed present applicants as agents. On the basis of this, offence came to be registered against present applicants and two others.

3. Learned counsel for applicants submits that the applicants are brokers and not responsible for execution of documents nor they have identified the signatories as the owners of the property. It is his submission that after realising that they re being cheated, complaint was made to Karjat Police Station on 09.12.2023 itself i.e. prior to 9 months of lodging of First Information Report. He has brought to the notice of this Court the affidavit filed by informant in Criminal Application No. 4586/2024 for quashing of the First Information Report wherein he has categorically stated about the innocence of the applicants.

4. Learned APP opposed the application by drawing attention of the Court to the statement of Onkar wherein he claims that the entire transactions were looked after by present applicants. He also drew attention of the Court to the document collected during the course of investigation which indicates that a bogus account was

opened with Central Bank of India. Thus, it is his submission that having regard to the nature of crime, it is not a fit case to grant anticipatory bail.

5. Though there are allegations made against the present applicants that they were responsible for the transaction, prima facie, they are not witness to the document in question. Thus, it cannot be said at this stage in absence of evidence before this Court that they identified any person to be the owner/vendor of the suit property. Insofar as opening of account in the bank is concerned, undeniably, present applicants are not the persons who have opened the said account however the said account is said to have been opened by Uttam (co-accused). Apart from this, now there is affidavit of informant who states on oath about innocence of the present applications. This record indicates about complaint made by present applicants to Karjat Police Station much before lodging of First Information Report in this case. Thus, this Court finds no reason to reject the application. As such, application is allowed in terms of interim relief except condition of appearance before Investigating Officer.

(R. M. JOSHI)
Judge