



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

ANTICIPATORY BAIL APPLICATION NO. 2508 OF 2024

Dinkar Santu Kutkepatil And Ors.	...Applicants
V/s	
State of Maharashtra	...Respondent

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Adv. Anil S. Kamble & Omkar S. Mayekar for the Applicant.
Adv. Anand S. Shalgaonkar, APP for the State.
Adv. Sandeep B. Satkar for Respondent No. 2.
Mr. Sambhaji Mane, PSI Kalyan Taluka Police Station.

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CORAM : RAJESH S. PATIL, J.

DATED : 6th FEBRUARY, 2025

P.C.:

1. The Applicants have filed the present Application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 for apprehending the arrest of the Applicants in C. R. No. 337 of 2024 registered with Kalyan Taluka Police Station, District Thane for the offences punishable under Section 420, 465, 468, r/w 34 of the Indian Penal Code, 1860.

2. The present Applicants are the estate agents who are carrying out their business of selling/purchasing lands at Kalyan,

District Thane. It is case of the prosecution that the Applicants forged the documents thereby a registered sale deed pertaining to the land owned by the informant has shown to have been sold out by impersonation. A person who was shown in place of the informant who was ready to sell the land for sum of Rs.16,00,000/-. The person to whom the land has been shown as sold, has also filed a complaint. The original owner of the land is one Mr. Pramod Takalkar when got knowledge of the present fact, has lodged the FIR.

3. It is submitted on behalf of the applicant that the Applicants were not aware about the details of the vendor, since a person came to them and identified himself as Pramod Takalkar, they believed him and since he wanted to sell of his land, and they had a prospective purchaser, the sale transaction was finalised. A sale deed was accordingly entered into. However, when the informant/true owner complained to police, the applicants were called by the police and they realized that something wrong had happened. Hence, the entire money was returned back to the purchaser. The Applicants have not received any kind of brokerage in the said transaction and they are innocent. Since there is no loss

to the vendor or the purchaser, the present anticipatory bail application should be granted.

4. Learned APP submits that the Applicant No.1's statement was recorded before the Police on 20th March, 2024. The copy of the same is enclosed herewith at page 60. Thereafter, the FIR was filed on 6th June 2024. However on 24th September, 2024, the statement of the present Applicant No. 1 was again recorded wherein, he changed his previous stand.

5. It is further submitted that the statement of the purchaser Rajendra Bhanuprasad Sing was also recorded on 20th March, 2024. The said Rajendra Sing also submits that he was informed by the present Applicants that they know the vendor and the vendor is ready to sell his land. Believing on the statements of the present Applicants, the purchaser Rajendra Sing agree to purchase the land. Though on statement made by the learned APP, this Court initially protected the applicants. However, on 16th December 2024, the protection granted was vacated. The Applicants were actively involved in the present crime. How many more people are cheated by the applicants needs to be found out. Therefore, the anticipatory bail application of the Applicants be rejected.

6. I have heard the learned counsel for the parties. There is a positive statement made by the informant against all the Applicants and the FIR lodged against the Applicants. The FIR records that the applicants had impersonated a person as informant and they had produced Aadhar card and they sold land of informant for a consideration of Rs.16 lakhs. After the complainant got knowledge of the fraud, the consideration amount was returned back. The applicant no.1's statement was recorded on 20th March 2024 by police, when he stated that in the year 2021, one person met him, who identified himself as Pramod Takalkar, and desired to sell his land. And as the applicants already had a buyer ready to buy land, they completed the transaction. After filing of FIR on 6th June, 2024, the applicant no.1's statement was again recorded on 24th September 2024, when he stated that in January 2023, in his Ayurvedic Medical Store, he met the person who identified himself as Pramod Takalkar. The police requires to verify that how many such transactions the Applicants have entered into and who has prepared the forged documents including the Aadhar Card.

7. On the statement made by the learned APP, there was a

protective order passed in the present proceedings. On 16th December 2024, the interim protection was vacated. The said order dated 16th December 2024 reads as under:-

“After hearing the matter for some time, the learned counsel for the applicants seeks time to take instructions. The learned APP has withdrawn his earlier statement that the police will be refrain from arresting the applicants in the present crime. At the request of learned counsel for the applicant, stand over to 3 January 2025. It is made clear that there is no interim protection order operating in favour of the applicants.

8. The Investigating Officer has insisted upon the custody of the Applicants. I find that the Applicant No. 1 who has changed his statements, first recorded on 20th March, 2024 and another recorded on 24th September, 2024, there is no need to protect the Applicants as they are changing their stand. The police needs to find out monies were transferred into whose account and who has returned the monies. In these circumstances, the present anticipatory bail application requires to be rejected.

9. Accordingly, **the anticipatory bail application is rejected.**

(RAJESH S. PATIL, J.)