

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 336 OF 2025

Gopinath Ganpat Bhoir & Anr. Applicants

VERSUS

The Senior Inspector of Police & Anr. Respondents

Ms.Ruby Shaikh a/w. Adv. Sheikh for the Applicants.

Mr. Nitin B. Patil, A.P.P. for the State.

Mr. Yashpal Thakur a/w. Mr. Munaf Virjee, Mr.Omkar Mulekar
i/b. AMR Law for the Intervener/Original Complainant.

Mr. H. G. Supekar, API, Bhiwandi Taluka Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : 5th FEBRUARY, 2025

P.C. :-

1. This anticipatory bail application has been filed in FIR No. 0584 dated 15th December, 2024 registered with Bhiwandi Taluka Police Station, Thane Rural, under Sections 471, 468, 465, 420, 34 and 120-B of the Indian Penal Code, 1860.

2. It is the case of the prosecution that the original owner of

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the subject land was one Bhoir family. In the year 1993 there was a sale agreement of the subject land from the Bhoir family in favour of one Mr. Shripad Patil. Thereafter the registered agreement was entered into for sale of the said land in the year 1995 by the Bhoir family in favour of Mr.Shripad Patil. Subsequent thereto, the said Mr.Shripad Patil entered into a registered agreement for sale in the year 2023 in favour of SGSA Pvt. Ltd. for consideration of Rs.1,56,00,000/-.

3. Thereafter since one of the legal heir from the Bhoir family i.e. Ms.Gulabbai Pandharinath Bagal, raised an objection that Gulabbai P.Bagal had died on 21st April, 1992 and it has been shown in the agreement dated 14th December 1993 that Gulabbai Bagal had signed the concerned agreement with Mr.Shripad Patil, when the Gulabbai had already died before the date of the agreement. The informant i.e. SGSA Pvt. Ltd. has now realized that certain objections are raised therefore though they are in possession of the subject property, the title is not cleared.

Therefore, the present FIR has been filed.

4. It is the case of the present applicants that they are part of the Bhoir family. They submit that Spaces Pvt.Ltd. is already in possession of the subject land and the 7/12th extracts also show their names on the revenue record. It is submitted that a deed of confirmation dated 6th January, 2025 has been entered into between Gulabbai Bagal's legal heir with Mr.Shripad Patil. Therefore, there is no loss caused to the informant as nobody is claiming their right over the subject land. Hence, the present anticipatory bail application should be allowed.

5. Learned A.P.P. is opposing the present anticipatory bail application. Learned A.P.P. submits that the notices have been issued to the accused. However, at the said address, the accused persons were not found. Hence, he submits that the custody of the applicants will be required in order to make appropriate investigation.

6. I have heard the learned advocate for both the sides and I have gone through the FIR. Admittedly, as of today, the informant's company is in possession of the subject land. The 7/12th extract in the revenue record shows the names of the informant company. The informant company has paid full consideration and by way of the registered sale deed dated 26th June, 2023 executed in their favour by one Mr.Shripad Patil, they have come into possession of the subject land. The said Mr.Shripad Patil has purchased the subject land from the Bhoir family in the year 1993. The said Bhoir family also included one legal heir by name Gulabbai Bagal. The FIR has been lodged by the informant as it has now come to their knowledge that in the erstwhile agreement between the owner of the land and Mr.Shripad Patil, one of the legal heir Ms.Gulabbai Bagal had already died but in the said agreement it appears that somebody had signed on her behalf. It is a matter of record that the legal heirs of the said deceased person has not raised any kind of

objection and has entered into the confirmation deed dated 6th January, 2025 in favour of Mr.Shripad Patil.

7. In such a situation, according to me, no purpose will be served by taking the applicants in custody and subsequently granting bail. According to me, case is made out to grant anticipatory bail application. I, therefore, pass the following order :-

ORDER

(a) The anticipatory bail application is allowed.

(b) In the event of arrest in connected with FIR No. 0584 dated 15th December, 2024 registered with Bhiwandi Taluka Police Station, Thane Rural, for the offence punishable under Sections 471, 468, 465, 420, 34 and 120-B of the Indian Penal Code, 1860, the applicants shall be released on bail till filing of charge-sheet on furnishing P.R. bond to the extent of Rs.30,000/- each with one or more sureties of the like amount.

(c) The applicants shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station, as and when called.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Courts or any Police Officer and should not tamper with evidence.

(e) The applicants shall furnish their contact numbers and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

8. In view of the above, **the anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]