IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 ANTICIPATORY BAIL APPLICATION NO. 1680 OF 2024

1. Anita Peter Patole
2. Kranti Peter Patole @ Kranti Finaj Pinto
3. Priyanka Peter Patole

VERSUS

The State Of Maharashtra And Another

Mr. S. R. Andhale h/f Mr. A. G. Ambetkar, Advocate for Applicants
Mr. S. B. Narwade, APP for Respondents/State

WITH CRIMINAL APPLICATION NO. 4954 OF 2024 IN ABA/1680/2024

Pratap Balasaheb Dhamale And Another

VERSUS

The State Of Maharashtra And Others

Mr. Y. G. Kasod a/w Mr. P. P. Giri, Advocate for Applicant
Mr. S. B. Narwade, APP for Respondents/State

CORAM : R.M. JOSHI, J
DATE : NOVEMBER 20, 2026

P. C. :

1. Applicants apprehend arrest in connection with C.R. No. 921/2024 registered with Police Station Tophkhana, District Ahmednagar for the offences punishable under Sections 420, 406, 504, 506 read with Section 34 of the Indian Penal Code.

2. First information report indicates that the present Applicants claimed themselves to be owners of the property in question and entered into the agreement to sell with him and others. He also claims that the consideration was passed on. There is allegation to the effect that in spite of

said transaction, sale deed came to be effected in respect of the said property with another purchaser.

3. Learned Counsel for the Applicants submits that even if the allegations made in the first information report are accepted to be true, at the most, the cause is created for the informant either to make specific performance of contract or to seek refund of the money. According to him, present report came to be lodged in the year 2024 in respect of transactions of year 2008. This, according to him, clearly shows that the informant is seeking to pressurize the Applicants for recovery of the money.

4. Learned APP and learned Counsel for Informant opposed application by contending that the conduct of the Applicants then as well as at the time of executing sale deed in favour of another purchaser disentitles them of any relief. According to them, there is order passed by the First Appellate Court giving declaration that the Applicants are not the owners of the property. Apart from this, they drew attention of the Court to the documents placed on record, which according to them, indicate the criminal intent of the Applicants.

5. Perusal of the record prima facie indicates that at the relevant time i.e. in the year 2009 there was no dispute with regard to the claim of ownership of the property in question by the present Applicants. The Applicants entered into agreement to sell with informant. Even if the

consideration is passed on, question arises as to what steps informant has taken for seeking specific performance of contract. Admittedly, Informant failed to take any steps for specific performance of contract nor suit for recovery of consideration is filed.

6. Alleged conduct of the Applicants while executing sale deed with informant has no bearing for the transaction which has taken in the year 2008. As far as said transaction is concerned, no offence is made out against Applicants and as such, interim relief granted to the Applicants deserve to be confirmed.

7. In view of above, Anticipatory Bail Application stands allowed by confirming interim order dated 08.10.2024.

8. Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

Malani