

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

ANTICIPATORY BAIL APPLICATION NO.2653 OF 2021

Hirabhai Hajabhai Chauhan and Ors. ... Applicants

Vs

The State of Maharashtra ... Respondent

Dr.Pratik R. Kalantri for the applicants

Dr.Abhinav Chandrachud i/b Mr.Premkumar Pandey a/w
Ms.Khushboo Pathak for the Intervenor

Mr.S.R.Shinde, A.P.P. for the State

**CORAM : SURENDRA P. TAVADE, J.
(Vacation Court)**

DATE : NOVEMBER 01, 2021

P.C. :

. Heard.

2. In the present application, the applicants are seeking directions from this Court for his release on bail in the event of arrest in connection with the FIR vide C.R.No. 27 of 2021 registered with Surgana Police Station for the offence

punishable u/s 406, 420, 467, 468, 471 r/w 34 of Indian Penal Code.

3. Perused the complaint filed by the Jugal Rajeshbhai Pengawala against the applicants wherein it is alleged that the applicants agreed to sell plot in Hira Farm and Resorts to complainant. In the said transaction, complainant paid Rs.1,51,00,000/- to the applicants. Details of cheques are mentioned in the complaint.

4. On the other hand, the learned A.P.P. for the State submits that investigation is at crucial stage. Amount is to be recovered at the instance of the applicants. Applicants fabricated the revenue record and pretended that they would give possession of plot to the complainant and others but the applicants have collected money from many persons under the pretext of providing agricultural plots to them but they have not done anything. Therefore, complaint was filed which was referred to investigation. During the course of investigation, it was revealed that applicants have cheated many persons. Therefore, investigation is handed over to Economic Offences Wing, Nashik Rural.

5. The learned counsel for the complainant also submits that atleast three persons have filed affidavits in Trial Court during the pendency of anticipatory bail against the applicant wherein they claim that they have also been cheated by the

applicant. One of the affidavit of Gavli is produced on record where in he has also alleged that he paid Rs.5,00,000/- to the applicant on the pretext of purchasing farm plot but was not given plot. He also alleges that the applicant have forged 7/12 extract and created impression in his mind that Hira Farms and Resorts is created to sell farm plots but infact said 7/12 extract is bogus and the applicants have cheated him. On perusal of order passed by Sessions Court, it is seen that applicants are facing number of criminal cases. Therefore, it is not just and reasonable to enlarge them on bail. Similarly, investigation is also in crucial stage. Therefore, following order is passed:

- a. Interim protection is rejected.
- b. Bail Application is listed on 16.11.2021.

(SURENDRA P. TAVADE, J)