

Nitesh R. Patani
and Others ...Applicants
vs.
State of Maharashtra ...Respondent

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2. It is submitted that the applicants are ready to perform their part of contract but they are unable to do so due to the reasons beyond their control. It is submitted that the first informant while entering into an agreement was well aware that the possession of the flat would be given after rehabilitation of the original slum dwellers. It is urged that the applicants are making every efforts to rehabilitate the slum dwellers and alternatively ready to return the money and as such they have no criminal intent to cheat the first informant or other purchasers. It is submitted that the same can be gathered from the correspondence in between the parties and applicants may be permitted to place the relevant documents before the trial Court while praying for bail.

3. The request being made for surrendering before the Court of Law which would facilitate earlier completion of investigation of crime in question, request deserves consideration. The

request for protection also deserves consideration in view of circumstances alleged.

4. As informed the applicants to surrender before the 65th Metropolitan Magistrate, Andheri, Mumbai on or before 04-02-2015 by 11.00 a.m. In the meanwhile, the applicants to stay at the addresses mentioned in the application and to attend the investigating officer on every alternate day in between 11.00 am to 1.00 pm. and not to indulge in any activity of tampering the prosecution evidence and/or not to indulge in any activity of coercing, threatening and pressuring the prosecution witnesses and not to misuse the protection granted by this order for fleeing away or for any other oblique purpose and not intermingling with the investigation in progress.

5. In the said premises, the investigating officer of M.E.C.R. No. 01 of 2015 of Oshiwara police station, Mumbai registered for the offences

punishable under sections 405, 406, 415, 417 and 420 of Indian Penal Code not to take coercive steps of arrest against the applicants upto 04-02-2015 11.00 a.m.

6. In event of the applicants making application for bail, the trial/remand Court to consider it on its own merits and uninfluenced by not pressing of this application for pre arrest bail and shall decide the same as expeditiously as possible preferably on the same day subject to 24 hours advance copy of the same being served upon the other side stipulating the date and time of the surrender and the applicants adhering to it.

Application stands disposed of.

(P.D. KODE, J.)