

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.989 OF 2015

Madan Shantaram Kolembekar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Makarand Kale, for the Applicant.
Mr. S.S. Pednekar, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 04, 2015**

P.C.:

. The application is moved for pre arrest bail. Today the investigating officer is not present. However, telephonically the instructions from investigating officer Mr. V. J. Sapre(API), Kamothe police station are obtained by the learned prosecutor especially on the point of recording of the supplementary statement of the complainant Sudhirkumar Tripathi on 18th July, 2015.

2. The applicant/accused apprehends arrest in C.R. No. II-71 of 2015 registered with Kamothe police station, Raigad for the offences punishable under Sections 420, 465, 468 and 471 read with 34 of the Indian Penal Code.

3. The applicant/accused is a builder and the complainant is a flat purchaser. He booked a flat in the housing project at Taloja of the applicant/accused through one agent Ankush Jha, a co-accused. He booked a flat No. 602, Plot No. 15, Sector 19, Taloja. Accordingly, he paid Rs. 12,41,250/- time to time to the applicant/accused. However, the co-accused with the help of the applicant/accused builder changed the flat from No. 602 to 501 and misappropriated some amount and also avoided to give the possession of the said flat. Thus the offence was registered at the instance of the complainant.

4. The interim bail was granted to the applicant/accused by this Court by the order dated 14th July, 2015. The learned counsel for the applicant/accused has submitted that the co-accused Ankush Jha was arrested and he is released on bail. In between, there was a settlement between the applicant/accused and the complainant and the applicant/accused agreed to handover the flat No. 501 to the complainant which was agreed and accepted by the complainant. Pursuant to which, the supplementary statement was recorded.

5. In view of the subsequent development, the order dated

14th July, 2015 is hereby confirmed with the same terms and conditions. Now the attendance is to be given till filing of the charge sheet.

6. The application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)