

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1153 OF 2015

- | | | |
|----|--------------------------|----------------|
| 1. | Mallesh Ranappa Kamble | |
| 2. | Dilip Santaram Kamble | |
| 3. | Santosh Mariappa More | ... Applicants |
| | Vs. | |
| | The State of Maharashtra | ... Respondent |

WITH
ANTICIPATORY BAIL APPLICATION NO. 1154 OF 2015

- | | | |
|----|----------------------------|----------------|
| 1. | Rahul Suresh Navandar | |
| 2. | Mrs. Nanita Rahul Navandar | ... Applicants |
| | Vs. | |
| | The State of Maharashtra | ... Respondent |

Mr. P.J. Thorat a/w. Mr. P.B. Gujar, Advocate for the applicants in both the matters.

Mr. J.H. Ramugade, APP for the State in ABA/1153/2015.

Mr. S.S. Pednekar, APP for the State in ABA/1154/2015.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 10, 2015**

P.C.:

These two Applications moved for pre-arrest bail are taken together, as all the applicants/accused are apprehending arrest under sections 406, 467, 468, 471, 420, 120(B) r/w. 34 of the Indian Penal Code in C.R. No. 303 of 2015 at Kondhwa Police Station, Pune, which was registered at the instance of Ashok Hiranman Gaikwad on 22nd February, 2015.

2. It is the case of the prosecution that the complainant along with many other persons have invested money of Rs.1, 50,000/- each in the

proposed scheme of Bhagwan Gautam Buddha Backward Class Cooperative Housing Society at Kondhwa, Pune. The scheme was initiated by the applicants/accused Mallesh Kamble and Dilip Kamble. The complainant and other persons paid Rs.1,50,000/- in the month of December, 2009, however, the applicants/accused sold the land to other accused Rahul Navandar and Nanita Navandar, who are applicants/accused in Anticipatory Bail Application no. 1153 of 2015. The applicants/accused avoided to give them response and therefore, the applicants/accused have misappropriated total amount of Rs.7,50,000/- of the complainant and other witnesses.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused Mallesh Kamble and Dilip Kamble have initiated the scheme of housing complex. They could construct the buildings in 5 phases, however, the buildings which were proposed as six phase could not be constructed due to certain objection raised by the Corporation. Therefore, they handed over the said land to applicants/accused Rahul Navandar and Nanita Navandar. Due to unavoidable reasons, they withdraw the scheme and returned the money to 542 persons out of 560, who has paid Rs.1.5 lakhs. The complainant and some other persons are not ready to accept Rs.1.5 lakhs but they are demanding Rs.25 lakhs by way of damages which is not possible for the applicants to pay the said amount. A public notice was given addressing the investors so that they

can come and take back the money. He further submitted that as on today, the applicants/accused are ready to return the capital amount of the complainant and other witnesses along with interest at bank rate, as they have invested the amount in 2009. The learned counsel submitted that there is no criminal antecedents against the applicants/accused.

4. Learned APP opposed the Applications and submitted that this is an offence of cheating and the applicants have not returned the money.

5. Perused the complaint, public notice and documents placed on record. Considering the submissions made by the learned counsel for the applicants/accused and as the applicants/accused are ready to return the capital amount along with interest, I am inclined to grant anticipatory bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- each with one or two sureties in the like amount.
- (ii) The applicants shall not tamper with the evidence.
- (iii) The applicants shall not threaten or pressurize the complainant and other witnesses.
- (iv) The applicants shall not indulge into any kind of criminal activity.
- (v) The applicants shall cooperate with the investigating officer and

attend the concerned police station on every Friday between 6 p.m. to 7 p.m. till the filing of the charge sheet.

6. The Anticipatory Bail Applications stand disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)