

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1009 OF 2015

Amit Subhash Palshetkar ... Applicant

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr. Sarang Kotwal i/b. Mr. Manoj Shamrao Mohite, Advocate for the applicant.

Ms. S.S. Kaushik, APP for the State.

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

DATE: **9th March, 2016.**

P.C.:

The learned counsel for the applicant submitted that pursuant to the statement made by the applicant/accused, he has deposited Rs.20 lakhs by Demand Draft in the registry of this Court. A noting on the board shows that Demand Draft of Rs. 20 lakhs is deposited with the registry.

2. This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under section 420, 406 r/w. 34 of the Indian Penal Code. The offence is registered at the instance of Jitendra Peter Ferreira on 20th December, 2014 with MIDC Police Station, Andheri, Mumbai.

3. It is the case of the prosecution that the company of the complainant wanted to purchase some tenement for the purpose of their business. The applicant/accused approached them and informed that he is going to

construct a building at Mira Bhayander road under the project of Sai Akruti Empire. Believing the representation of the applicant/accused, the complainant and his partners paid total amount of Rs.30,00,000/- in June, 2011. However, till September 2014 they did not get any information in respect of construction of said flats. Neither the money nor the flat was allotted to the complainant, hence the complainant submitted private complaint before the Additional Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, who gave directions under 156(3) of the Cr. P.C. and pursuant to which the offence was registered against the applicant/accused. Hence, this Application.

4. The learned counsel for the applicant/accused submitted that the company of the applicant/accused has returned Rs.10,00,000/- on 28th May, 2012 to the company of the complainant, namely, Adilon Synthetics Pvt. Ltd. and thereafter in the month of February, Rs.20,00,000/- are paid. He further submitted that the complainant's company has filed Special Civil Suit No. 133 of 2015 for specific performance, which is pending before the City Civil & Sessions Court, Mumbai.

5. Learned APP, on query, submitted that under such circumstances, the custody of the applicant/accused is not required. Investigating officer not present.

6. Perused the FIR and the documents on record. In view of the submissions of learned APP, the custody of the applicant/accused is not required. Hence, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant/accused be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or two securities in a like amount.
- (iii) The applicant/accused shall not tamper with the evidence.
- (iv) The applicant/accused shall not pressurize the complainant.
- (v) The applicant shall not indulge into similar type of offence, while on bail;
- (vi) The applicant shall attend the concerned police station on every Friday between 10 a.m. to 12 noon till the filing of the charge sheet.
- (vii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

(MRIDULA BHATKAR, J.)