

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1407 OF 2015

Uday Raminder Uberoi & Ors.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.Y.B. Dandekar i/b S.N. Biradar for the Applicants

Mrs.P.P. Shinde, APP, for Respondent – State

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

DATE: **APRIL 4, 2016**

P.C.:

1. In this Anticipatory Bail Application, it is informed that the applicant-accused No.1 Uday Oberoi is arrested on 25.3.2016 and the application is not pressed for him. Accordingly, the application stands dismissed as not pressed *qua* the applicant-accused No.1 Uday Oberoi.

2. Applicant-accused No.2 Viraj Masurkar is a employee and applicant-accused No.3 Prasad Vinayak Bagwe and accused Vishram Sawant are Directos of M/s.Crystal Homecon Pvt. Ltd. It is the case of the complainant Dharamvir Jaydayal Singh that he like many other persons had booked flat with one Ionic Eco city at Vasai, Palghar and paid the complainant an amount of Rs.7,10,200/- in the year 2011. A receipt to that effect was issued, however, no agreement was executed. Time to time, he used to enquire about the development as he had paid nearly

90% of the flat amount. However, the Directors of Ionic Eco city gave evasive answers. Thereafter, in the year 2014, when the complainant enquired with the Directors of the Ionic Eco City, he found that the entire project was sold to Crystal Homecon Pvt. Ltd., without any intimation to the flat purchasers and further demand was made by the applicants-accused from the complainant for the flats. Thus, from 2011 to 2014, the money of the complainant and the other persons was used by Ionic Eco City and Crystal Homecon Pvt. Ltd. and, therefore, the offence was registered against them under section 420 r/w section 34 of the Indian Penal Code in C.R. No.I-152 of 2015 at Arnala police station, Palghar on 23.8.2015. Hence, this application for pre-arrest bail.

3. The learned Counsel for the applicants has submitted that the applicants have filed affidavit in the other Anticipatory Bail Applications i.e., Anticipatory Bail Application Nos.1388 of 2015 and 1408 of 2015 that the applicants-accused undertook to deposit amount of Rs.7 crores within six months and it was accepted by this Court. The pre-arrest bail was granted to the applicant-accused in those Anticipatory Bail Applications. He seeks parity.

4. Learned Prosecutor submits to the orders of this Court.

5. Considering the affidavit as it is accepted in the other cases, pre-arrest bail is granted on the following terms:

ORDER

- i) In the event of arrest, the applicants-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- each, with one or two solvent sureties in the like amount;
- ii) The applicants-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and Tuesday from 4pm to 7pm for a period of one month or till filing of chargesheet, whichever is earlier;
- iii) The applicants-accused shall not tamper with the evidence or pressurise the complainant;
- iv) The applicants-accused shall not indulge into any criminal activity;
- v) The applicants-accused shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of his address.
- vi) 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.)