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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION (ST) NO. 1938 OF 2016

Sushil Raheja & Anr.

...Applicants

Vs.

State of Maharashtra

...Respondent

Mr. Niranjan Mundargi a/w. Mr. Manal Dhanani
i/b. M/s. Ganesh & Co., for the Applicants
Smt. N.S. Jain, APP for the State

CORAM : M.S. KARNIK, J.

DATED : 13TH DECEMBER, 2016

P.C. :

1. The present application is filed for grant of anticipatory bail in respect of C.R.No.267 of 2015 registered at Gowandi Police Station under Section 420 r.w. Section 34 of the Indian Penal Code. The FIR is filed on 19th November, 2015 by the complainant alleging that he had purchased the office premises by an agreement dated 2nd April, 2013 along with one car parking and one extra car parking from the applicants for the consideration of Rs. 1,16,00,000/- by a duly registered agreement. Further the MOU dated 13th February, 2013 was entered into between the complainant and the applicants. The

applicants were to give two car parkings, but only one car parking was given. Subsequently, the complainant approached the Society and came to know that there is only one car parking and no extra car parking for the said premises. Thus an amount of Rs.5,00,000/- was extracted by the applicants towards the said car parking without actually handing over the same.

2. According to the learned Counsel for the applicants the entire dispute is of a civil nature. According to him the agreement is dated 2nd April, 2013, but the FIR is registered only on 19th November, 2015. The applicants without prejudice to their rights in order to show their bonafides have voluntarily offered to deposit the sum of Rs.5,00,000/- (Rupees five lakhs). The Counsel for the applicants is willing to deposit the said amount of Rs.5,00,000/- before the Metropolitan Magistrate, Kurla within 4 weeks from today subject to further orders pending investigation.

3. In these circumstances having regard to the nature of

the dispute and the fact that the Counsel for the applicants has voluntarily offered to deposit the amount of Rs.5,00,000/- without prejudice to their rights and contentions I am inclined to allow this application on the following terms and conditions.

1. In the event of the arrest of the applicants in connection with the C.R. No. 267 of 2015 registered with the Gowandi Police Station, Mumbai under Section 420 r.w. Section 34 of the Indian Penal Code the applicants may be released on bail on their furnishing P.R. Bond in a sum of Rs.50,000/- each with one or more sureties in like amount.
2. The amount of Rs. 5,00,000/- to be deposited within a period of four weeks from today subject to further orders of the Metropolitan Magistrate/ appropriate Court.
3. The applicants shall co-operate with the

investigation and attend the concerned police station as and when called for.

4. In the above terms and conditions the application is disposed of.

(M.S. KARNIK, J.)