

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1704 OF 2015

Mohammed Zubair Abdul Sattar Loladia
and Another ... Applicants

vs.

The State of Maharashtra ... Respondent

Mr. Tariq Khan, for the Applicants.
Mrs. P.P. Shinde, APP for Respondent – State.
Mr. J.R. Kamble (API), E.O.W.- Palghar present.
Mr. R.K. Singh, for the complainant.

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

DATE: **1st APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicants/accused are charged for the offences punishable under Section 420 read with 34 of the Indian Penal Code in C.R. No. 152 of 2015 registered with Arnala police station, Dist. Palghar. The offence is registered at the instance of one Paramveer Singh on 23rd August, 2015.

2. It is the case of prosecution that the applicants/accused have acted as broker/agent in the project launched by Ionic Realty (Eco City) Pvt. Ltd. at Vasai for construction of flats/buildings. They

used to approach persons and have booked the flats for Ionic Realty (Eco City) Pvt. Ltd. One co-accused Azam Khan was one of the Director of Ionic Realty (Eco City) Pvt. Ltd. It was promised that the flats will be ready till 2014 and the possession will be handed over to the purchasers. However, it was not done so. Hence, the complaint was lodged.

3. The learned counsel for the applicants/accused submitted that the applicants/accused have worked only as a broker. They have received brokerage of Rs. 17 lacs jointly for booking of the flats and both of them have booked four flats with the company and have paid total Rs. 3,25,000/- for each tenements. They are not the recipient of money and they are ready to cooperate with the police.

4. The learned prosecutor and the learned counsel for the complainant oppose this application. It is submitted that 52 flats were booked through the applicants/accused. The complainant has a C.D. that the applicants/accused accepted cash to the tune of Rs. 59 lacs. It is further submitted that the applicants/accused did not attend police station when they were called.

5. Perused the first information report and other papers. Considering the submissions of both the parties, *prima facie* it appears that the applicants/accused were working as a broker and they have received fees of their service. *Prima facie* it appears that they are not beneficiary of other money. They are not Director of the said company. Considering this, I am inclined to protect the applicants/accused on the following terms and conditions:

- a) In the event of arrest, the applicants/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 25,000/- each with one or two solvent sureties in the like amount;
- b) The applicants shall not tamper with the evidence;
- c) The applicants shall cooperate with the Investigating Officer and shall attend office of E.O.W. at Palghar on every Monday and Thursday between 4.00 pm to 7.00 pm. till 30th April, 2016 and thereafter as and when called.
- d) The applicants shall not leave the country without prior permission of the Court.

6. Anticipatory bail application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)