

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

**ANTICIPATORY BAIL APPLICATION NO.148 OF 2017**

Arvind Markandey Vishwakarma .... Applicant

versus

State of Maharashtra ... Respondent

.....

- Mr.Niranjan Mundargi, Advocate i/b. Sapana Rachure,  
Advocate for the Applicant.
- Mrs.Rutuja Ambekar, APP for the State/Respondent.

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

**DATE : 06<sup>th</sup> MARCH, 2017.**

**P.C. :**

1. Today the learned counsel for the applicant/accused submits that he has given Demand Draft of Rs.2,00,000/- in the name of complainant.

2. The applicant/accused apprehends arrest in C.R.No.I-239/16 registered with Khandeshwar Police Station at the instance of Mrs.Chandrika R. Pillai for the offence of cheating under Indian Penal Code and for non-compliance of mandatory

obligations under Maharashtra Ownership of Flats Act. She has booked flat with the partnership M/s Sai Ganesh Builders & Developers, in which applicant/accused and absconding accused Ganesh Gadge were the partners. The lady booked two flats of Rs.19,22,949/- and she paid total Rs.10,00,000/- in the year 2014. However, there was no progress and therefore by way of repayment, the applicant/accused issued two cheques of Rs.1,00,000/- each to the complainant. However, those cheques were bounced in the year 2016 and therefore she gave complaint. At the time of hearing of this anticipatory bail, statement was made by the applicant/accused of the repayment of the same amount and therefore he was put to the terms of payment of 50% of the amount. It is submitted by the learned counsel for the applicant/accused that the other accused Ganesh Gadge who is to give 50% of the amount, is absconding. He has provided his details on the phone number and details of the property owned by Ganesh Gadge to enable the prosecution to take necessary steps.

3. The learned prosecutor while opposing application has submitted that the applicant/accused has withdrawn himself from the partnership firm. He gave the complainant an undertaking that he would pay all the amount. Today Rs.5,00,000/- are paid to the complainant.
4. In view of the facts of this case and the submissions made before this Court, I hereby confirm pre-arrest interim bail dated 27/01/2017 with the directions that he shall attend police station as and when called till filing of the charge-sheet and the prosecution is expected to take necessary steps provided under Cr.P.C. to procure the presence of the absconding accused.
5. The application stands disposed of accordingly.

**(MRIDULA BHATKAR, J.)**