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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1120 OF 2016**

Pawan Chandraprakash Tiwari. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

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Mr. Rahul Karnik, advocate for Applicant.

Ms. Veera Shinde, APP for State.

Mr. Suhas B. Kamble, PSI, Nalasopara Police Station.

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**CORAM : SMT. SADHANA S. JADHAV, J**
**DATE : FEBRUARY 9, 2017**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in Crime No. 133 of 2016 registered at Nallasopara Police Station for offence

punishable under section 420, 465, 468, 471 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the applicant was one of the partner of M/s. Prithwi Builders. The partners have floated the project in the name and style of “Prithwi Dreams Tower”. It is alleged that the partners of the said firm including the applicant had given assurances to various customers that they would give and offer ready possession flats and had obtained huge amounts from the proposed customers. It is alleged that there was no such project in existence. There was no building in the name of “Dream Towers”. Several persons, in as much as 84 persons had invested in the Dream Tower.

4 It also appears from the record that the completion certificate was forged and fabricated. All documents pertaining to the sanction, construction and allotment of the said flat were forged and fabricated. The applicant has filed an affidavit before this Court during the

pendency of this application on 26/9/2016 contending therein that he has compromised the matters with most of the customers by executing registered agreement for sale and has given them flats in another building. The affidavit is patently false, since it has transpired in the course of investigation that the applicant has not executed any agreement for sale or returned cash amount to some of the investors.

5 The list given by the Investigating Officer shows that the applicant had compromised with one Mrs. Sunita Kanojia and has only filed her affidavit showing that the matter is compromised with all customers. As far as others are concerned, the applicant has given them cash. The amount of Rs. 2,70,000/- is yet to be paid to Mukesh Sitaram Singh. Similarly, there is remainder of huge amount. The applicant has indulged into misleading the court and filing false affidavit. There is also material to show that the applicant has

tampered with the investigation and has also tampered with the witnesses only to show that he has compromised with the customers.

6 It is in these circumstances that the applicant does not deserve grant of pre-arrest bail, a discretionary relief under section 438 of the Code of Criminal Procedure, 1973.

7 The application being sans merits stands rejected and disposed of accordingly.

**(SMT. SADHANA S. JADHAV, J)**