

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 1689 OF 2016

Kaustubh Hemant Desai & Ors.

.. Applicants

Vs.

The State of Maharashtra & Anr.

.. Respondents

.....
Mr.Maoj Badgujar, Advocate for the Applicants.

Mr.Deepak Thakur, APP for the Respondent - State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 22, 2017.

P.C. :

This is an anticipatory bail application in connection with C.R.No.8 of 2016, registered with Kopari Police Station, District - Thane. The offences were registered under Sections 405, 406, 415, 417, 418, 420 and 120B read with Section 34 of the IPC.

2 It is the prosecution case that the complainant was in search of a flat in Mulund area. The accused assured him that he would arrange the flat under the MHADA Scheme to the complainant. They also showed him one flat in MHADA building and agreed to allot the same to him. The complainant deposited

an amount of Rs.5,00,000/- and the remaining amount was to be deposited. It is further alleged that an amount of Rs.2,00,000/- was also paid by the complainant after obtaining the said amount from his relatives. However, the flat was not allotted to the complainant. The amount of Rs.2,00,000/- was, however, refunded to him. The co-accused Hemant Desai was granted anticipatory bail by the Sessions Court vide order dated 1st September, 2016. While granting bail, it was observed that the transaction is based on the documents. The applicants were granted interim protection by the Sessions Court vide order dated 8th September, 2016. However, the application was subsequently rejected vide order dated 21st September, 2016. While rejecting the said application, it was observed that the co-accused who were granted protection was a aged person and that the applicants were closely related to the said accused who is granted bail. Their personal involvement is shown in the complaint and that they have antecedents.

3 Learned advocate for the applicants, however, submitted that there are no antecedents against the applicants. Said fact is not disputed by the officer who is present in the Court. In view of the order dated 31st March, 2017, the applicants had deposited an amount of Rs.5,00,000/- in this Court.

4 Considering the aforesaid circumstances, the interim order granted by this Court can be confirmed.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1689 of 2017 is allowed;
- (ii) The interim order dated 29th September, 2016 is hereby confirmed;
- (iii) The applicants are directed to report Kopari Police Station, Thane, as and when called for;
- (iv) Applicants are directed to furnish the details with regard to their address, telephone number to the investigating officer;
- (v) Anticipatory Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)