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

ANTICIPATORY BAIL APPLICATION NO. 1796 OF 2016

Vinod Ramnath Rao & Ors.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

**WITH
CRIMINAL APPLICATION FOR INTERVENTION NO. 981 OF 2016**

Gaurav Parpillewar & Ors.	.. Applicants/Interveners
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In the matter between

Vinod Ramnath Rao & Ors.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

Mr. Shirish Gupte, Senior Counsel a/w. Mr. Rajput Karansingh Bhagat Singh for the Applicants.

Mr. Milind M. Godbole, for the Interveners.

Ms. Veera Shinde, APP, for the State/Respondent.

Mr. Mukund Kulkarni, API, Cr.Br. EOW Unit-1, Navi Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 30th MARCH, 2017.

P. C. :

1. By an order dated 14.10.2016 the applicants were granted interim relief. At the time of grant of interim relief, learned counsel for the applicants has made a submission that the applicants will try to explore the possibility of amicable settlement with the investors who were not willing to continue with the said project. It was revealed during the course of investigation that there are total 144 investors who have invested/paid

amount to the applicants for the said residential project. Today the learned counsel for the applicants and the learned counsel appearing for the interveners in the aforesaid application submitted that, so far as the interveners in the present application is concerned, the said applicants/intervenors have settled their claims and the parties herein have entered into Consent Terms accordingly.

2. Mr. Gupte, the learned Senior Counsel appearing for the applicant submitted that there are in all 144 total flat purchasers/investors; out of which the applicants have repaid full amount to 35 persons; with 25 persons consent terms have been entered into and post dated cheques have been issued in their favour. As far as 60 investors/flat purchasers are concerned, the applicants have entered into cancellation deed. He further submitted that 24 investors/flat purchasers have opted to continue with the project.

3. Learned counsel appearing for the interveners in Application No. 981 of 2016 on instructions submitted that the fact pertaining to filing of Consent Terms is true and correct. He further expressed apprehension that the post dated cheques which are issued in favour of the interveners may perhaps get dishonour and, therefore, the present application may be kept pending for further orders. The apprehension expressed by the learned counsel for the interveners can be taken case of while disposing of the present application.

4. In view of the above, the present application deserves to be

granted pre-arrest bail in the present crime.

5. Hence the following order:

- (i) Interim relief granted by order dated 14.10.2016 is hereby confirmed.
- (ii) It is made clear that in case of dishonour of cheque/cheques in favour of applicants in Application No. 981 of 2016, the said applicants are at liberty to file an application for cancellation of bail of the applicants.
- (iii) The aforesaid liberty is reserved in favour of the applicants.
- (iv) Mr. Gupte, learned Senior Counsel on instructions made a statement that his clients undertake to comply with the conditions mentioned in the Consent Terms.
- (v) The Anticipatory Bail Application is allowed in the above terms.
- (vi) In view of the disposal of the Anticipatory Bail Application, Application No. 981 of 2016 does not survive and stands disposed of.

[A. S. GADKARI, J.]