

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

**CRIMINAL BAIL APPLICATION NO. 2631 OF 2016**

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|---------------------------|-----------------|
| Santosh Nathuram Ballal.  | ... Applicant.  |
| Versus                    |                 |
| The State of Maharashtra. | ... Respondent. |

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Ms. Archana Khan, advocate for Applicant.

Mr. M.G. Patil, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV, J  
DATE : FEBRUARY 8, 2017**

**P.C.:**

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 8/8/2016 in Crime No. 507 of 2014 which was being investigated by the Economic Offences Wing, Thane District.

3 It is the case of the prosecution that in April, 2013 Rampratap B. Rajput and Ajay N. Jadhav have floated a scheme in the name and style of M/s. Everest Builders and Developers. Assurances were given to the customers that they would be allotted rooms at the rate of Rs. 2,00,000/- to Rs. 4,00,000/-. That on 27/8/2014 Ajay Jadhav lodged a report at the police station alleging therein that they had taken installments from several customers. They had distributed pamphlet advertising the said scheme. They have signed notarised agreement alongwith the customers. It is alleged that Rampratap B. Rajput had taken money and had not given the share to Ajay Jadhav. He had then transferred the partnership in the name of Nilesh Sadashiv Nirbhavane. The consumers had filed the report against the developers and builders.

4 It appears from the record that on the date, licence under the Shop and Establishment Act was obtained in the name of the present applicant Santosh Ballal. They had entered into an agreement with the consumer which were notarised documents.

5     The learned Counsel for the applicant submits that no specific role is attributed to the present applicant and that co-accused have been granted pre-arrest bail. It is also submitted that the documents have been seized by the investigating agency and therefore, the applicant deserves to be enlarged on bail.

6     Compilation of the charge-sheet would indicate that there is sufficient evidence to indicate involvement of the applicant in cheating the consumers who were assured of getting rooms on payment of Rs. 2 Lakhs to Rs. 4 Lakhs. However, no such scheme in fact was floated. In view of this, the application being sans merits stands rejected. The learned Magistrate is hereby requested to make an endeavour to expedite the trial as far as possible. The application is disposed of accordingly.

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