

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 318 OF 2017

(VAIBHAV VASANTRAO BODKE...VS...STATE OF MAH. THR. P.S.O. PS RAMNAGAR,
DISTT.WARDHA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. B. Bargat, Advocate for Applicant.
Shri V. A. Thakre, A.P.P. for Non-applicant.
Shri J. M. Gandhi, Advocate, Assist to prosecution.

CORAM : Z.A.HAQ, J.

DATED : 25th JULY , 2017.

CRIMINAL APPLICATION (APPP) NO.1177 OF 2017.

For the reasons stated in the application, the complainant Vijendra Prakash Warokar is permitted to assist the prosecution.

The Criminal Application is allowed.

CRIMNIAL APPLICATION (ABA) NO.318 OF 2017.

Heard.

Apprehending arrest in connection with Crime No.142 of 2016 for offence punishable under Sections 406 and 420 of the Indian Penal Code and Sections 3, 4, 5, 7, 10, 11 and 13 of the Maharashtra Ownership of Flats Act, the applicant has sought pre-arrest bail.

According to the Investigating Agency, the applicant floated a scheme proposing to construct 16 flats and assuring to complete the construction and hand over the possession to the customers within stipulated time, has taken almost 90% of the amount payable by the customers but has

not completed the construction. It is alleged that in spite of assurances given by the applicant, there is no progress in work. According to the Investigating Agency, though the construction of flats should have been completed by 2014, till date the construction is not completed and sale-deed is surreptitiously executed by the applicant in respect of two flats.

The learned Additional Sessions Judge has recorded in the order passed on 3rd May, 2017 that one of the flat sold by the applicant is constructed illegally and without there being sanction from the Competent Authority.

The application is opposed on the ground that investigation is in progress and custodial interrogation of the applicant is required to unearth certain information.

Considering the facts of the case and accepting the submission made on behalf of the non-applicant that custodial interrogation of the applicant is required for investigation, I am not inclined to grant the prayer made in the application.

The application is **dismissed**.

By order passed on 9th May, 2017, this Court has granted interim protection to the applicant. The applicant shall surrender within 3 days failing which note of his conduct be taken at various stages of the proceedings.

JUDGE