

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 292 OF 2018

Shekhar Sumant Dadarkar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. S. V. Marwadi, i/b Mr. Ashok Bhatia, for the Applicant.
Mr. S. S. Hulke, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 11th JUNE, 2018

PC:-

1. By an order dated 16th February, 2018 the Applicant was granted interim relief, on the basis of the statement made by the applicant that he is ready and willing to perform his part of obligation i.e. registration of the sale deed of the flat allotted to the first informant Smt. Riya Desai and to make payment to the concerned authority of the Corporation within the stipulated period mentioned therein.
2. The learned Counsel for the applicant submitted that after passing of the order on 16th February, 2018, the first

informant Smt. Riya Desai along with other flat holders filed a Commercial Suit (L) No.100 of 2017 for similar reliefs and grievance in this Court and in furtherance of Order dated 13th March, 2018 passed in Notice of Motion (L) No.95 of 2017, the applicant has deposited a total sum of Rs.44,66,397/- with the Mumbai Municipal Corporation towards its dues and Rs.3,90,000/- in favour of the concerned society. The learned Counsel drew my attention to a communication dated 6th April, 2018 addressed by the learned Advocate for the applicant to the first informant Smt. Riya Desai calling upon her to intimate a date of her convenience to complete the process of registration. It is submitted that the Applicant has kept ready all the documents for registration of the said flats and as the first informant is not co-operating in the matter, the process of registration of Flat No.A-504 situated at Satyam Co-operative Housing Society, Goregaon (West), could not be completed.

3. After taking into consideration the fact that the Applicant has complied with his statement made before this Court on 16th February, 2018 and has also co-operated in

the process of investigation, this Court is of the considered view that the Applicant is entitled to be protected by pre-arrest bail.

4. In view thereof, interim relief granted by 16th February, 2018 is hereby confirmed.

5. Application is allowed in aforesaid terms.

[A. S. GADKARI, J.]