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

BAIL APPLICATION NO. 1075 OF 2018

Vinod s/o Vallabh Bathiya

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. A.M. Saraogi, for applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 20th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.I-152 of 2016 dated 4.7.2016 registered with Nalasopara Police Station, District-Palghar under sections 420 read with 34 of the Indian Penal Code and under sections 3,4,5 and 7 of Maharashtra Ownership of Flats Act (MOFA Act).

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The first information report is lodged by Shri Rakesh C. Singh. The prosecution case in brief is that, the applicant is one of the partners of

Siddharth Enterprises. The said firm consists of three partners. The said firm agreed to sell room No.605, Shubhangan Building situated at Vinay Complex, Nilemore, Nalasopara and had accepted consideration of Rs.21,30,000/- from the informant. The accused did not hand over the possession of the said tenament to the first informant and sold it to third party namely Mr. Deepak R. Gawde by executing Sale Deed in his favour. In the premise the first information report is lodged.

4] The learned Counsel for the applicant submitted that, there are in all three partners of the said firm and the allegations against the firm is that the said firm has defalcated sum of Rs.21,30,000/- of the informant. He on instructions submitted that, with a view to prove bonafide of the applicant and without prejudice to his rights and contentions, the applicant is ready and willing to deposit his share i.e. 1/3rd share of the said amount which comes to Rs.7,10,000/- (Seven Lakhs Ten Thousand) in the Registry of this Court before his actual release from jail. The said statement is accepted.

5] In view thereof, without going into the merits of the matter, I am inclined to release the applicant on bail on the main condition that the applicant shall deposit the aforesaid amount of Rs.7,10,000/- in the

Registry of this Court before his actual release from jail.

Hence, the following Order:-

- i] Applicant be released on bail in CR No. I-152 of 2016 dated registered with Nalasopara Police Station, District- Palghar on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- ii] After his release from jail, the applicant shall attend the Nalasopara Police Station, District- Palghar, on every first Monday of the month between 11.00 a.m to 1.00 p.m
- iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.
- 6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)