

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

ANTICIPATORY BAIL APPLICATION NO.1229 OF 2017

Harishchandra Nathuram Mali	... Applicant
V/s	
State of Maharashtra and anr.	... Respondents

Mr.Ravi Shinde i/by Mr. Niranjan A. Mogre for the Applicant.
Mr.S.R.Agarkar, APP for the State/ Respondent No.1.
Mr.Sanjay H. Gangal for Respondent No.2.

**CORAM : SMT.SADHANA S. JADHAV, J.
DATE : JUNE 06, 2018.**

P.C. :

1. Heard respective counsel.
2. This is an application under section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.42 of 2017 registered at Roha Police Station, Raigad for the offences punishable under Sections 420 and 406 of Indian Penal Code and under Sections 13 and 14 of the Maharashtra Ownership of Flats Act, 1963. The application was heard on 18th July 2017, wherein this court (Coram: Revati Mohite Dere, J.) had considered the submissions that the subject flats are completed and would be

handed over to the investors at the earliest, since the Occupation Certificate is received. In view of this, interim relief was granted in favour of the applicant. The said interim relief was extended from time to time as on 11th August 2017, the applicant had made a submission before the court that three months time is required to complete the remaining work and has sought time. The learned counsel had made submissions on the basis of the instructions received from the applicant. On 9th October 2017, it was mentioned that the applicant was optimistic that he would get the Occupation Certificate by month of November. It appears there has hardly been any progress in the matter. At one stage respective counsel had submitted before court that the parties are exploring possibility of amicable settlement. However, it seems that the said exercise has failed. As on today, learned counsel for the applicant fairly submits that he had requested the applicant to give instructions in respect of the progress of the building where the complainant had purchased the flat. However, till today no instructions were received and therefore, the learned counsel for the applicant would not be able to make any concrete submissions. As against this, learned counsel appearing for the complainant

submits that there has been no progress either in the construction or in the efforts of the applicant. In view of this the application deserves to be dismissed. The interim relief granted vide order dated 18th July 2017, stands vacated. The Investigating Agency would be at liberty to arrest the applicant.

3. The application stands disposed of accordingly.

(SMT.SADHANA S.JADHAV, J.)