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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2115 OF 2018

Devdas Bhujang Rao & Ors. ..Applicants.

V/s.

State of Maharashtra ..Respondent.

Mr.Girish Kulkarni I/b. Kulkarni & Associates for the applicants.

Mr.R.M.Pethe, APP for the respondent-State.

Mr.Gokul Barse, API Parsite police station, Vikhroli, Mumbai present.

CORAM: NITIN W.SAMBRE, J.

DATE : NOVEMBER 21, 2018

P.C.:-

Heard learned counsel for the applicants and learned APP for the State.

2. The applicants are seeking pre-arrest bail in Crime No.120/2018 for offence punishable under sections 406 and 420 read with 34 of the Indian Penal Code and under section 4 of the Maharashtra Flat Ownership Act, 1963 registered with Parksite

police station, Vikhroli, Mumbai.

3. Considered submissions made by learned counsel for the parties.

4. It is the case of the applicants that applicant No.1 is the sole proprietor of M/s.Dhanista Builders and Developers and the other applicants are family members doing family business of developing lands.

5. The investigation carried out reflects that the applicants extracted amount of more than a crore from various prospective buyers by promising them flats from 2009 onwards. However, till date, they have not honoured the said commitment.

6. Learned trial Court while dealing with the case of the applicants considered the case diary, the contentions raised by the applicants and the *bona fides* of the applicants to deposit the amount.

7. There are no convincing reasons to take a different view from the one which is expressed by the Sessions Court, based on sound reasons. The said view is based on the analysis of

investigation papers which are also perused by this Court. The material therein reflect *prima facie* involvement of accused in the instant crime.

8. That being so, in my opinion, no case for grant of pre-arrest bail is made out. The application is rejected.

(NITIN W.SAMBRE, J.)