

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.415 OF 2019

1. Madhukar Bhagwan Padwal, Age 57 years,
Occ.Business, Devashree Garden,
Commercial Building, Near Rutu Park,
R.W.Sawant Marg, Opp.To Majiwada Flyover,
Thane (W)-400 601.

2. Santosh Sawalaram Parab, Age 49 years,
Occ.Business, At Shop No.7,
Ground Floor, A Wing, Majiwada,
Thane (W)-400 601

Applicants

versus

The State of Maharashtra

Respondent

Mr.A.V.Sawant and B.M.Jadhav for applicants.

Mr.A.R.Kapadnis, APP, for State.

Mr.Tushar Suryawanshi, P.C, Rabodi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th February 2019

PC :

1. This is an application for anticipatory bail in CR No.7 of 2019 registered with Rabodi Police Station, Thane for offences under Sections 418, 420, 120B r/w 34 of Indian Penal Code. And Section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. The FIR was lodged on 6th January 2019 and the offences were registered u/s 418, 420 r/w 120B of IPC. It is alleged that the complainant had parted a sum of Rs.75,000/- towards booking of flat

premises and as promised, the possession of the flat is not given to him nor the invested amount was refunded to the complainant. The FIR further mentions that similar promises were made to about 26 other persons and huge amount is collected by applicants from them.

3. Learned counsel for applicants submits that on account of ill-health of applicant no.1 and various other circumstances the project could not be completed. It is further submitted that the applicants have satisfied claims of several persons either by refunding the amounts or by handing over possession of premises. It is submitted that the applicants had filed affidavit before the Sessions Court indicating the said fact. It is submitted that the applicants are willing to settle with investors. The documents are in possession of investigating machinery and custodial interrogation of applicants is not necessary.

4. Learned APP submitted that the applicants had made false promises to several persons. No victim has approached police stating that the applicants have settled their claims with the accused. It is further submitted that construction, as promises, has not been carried out. The amount was accepted from the purchasers in 2013. Huge amount is involved in the transactions.

5. As stated by learned APP, so far there are about 120 persons have approached before police with their grievances. The statement of about 32 persons are recorded by police during investigation. The non-agriculture permissions in respect to some of the plots were obtained but with regards to other plots, there was no such permissions. Apparently huge amount was collected from the

purchasers. Considering the nature of allegations, the submissions advanced by the advocate for applicants cannot be accepted and no case for grant of anticipatory bail is made out. Hence, Criminal Anticipatory Bail Application No.415 of 2019 is rejected.

(PRAKASH D. NAIK, J.)

MST