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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CRIMINAL APPELLATE JURISDICTION***

***ANTICIPATORY BAIL APPLICATION NO.328 OF 2018***

|                            |               |
|----------------------------|---------------|
| Navin Bhai Narsibhai Patel | ..Applicant.  |
| V/s.                       |               |
| The State of Maharashtra   | ..Respondent. |

Mr.Moinddin Ahmed Khan for the applicant.

Smt.J.S.Lohokare, APP for the respondent-State.

***CORAM : NITIN W. SAMBRE, J.***

***DATE : MARCH 8, 2019***

**P.C.:-**

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

2. In crime No.I-15/2017 for offence punishable under sections 406, 420 read with 34 of the Indian Penal Code and section 13 of the Maharashtra Ownership Flat Act, 1963 registered with Khargar police station, District Raigad, the applicant is seeking pre-arrest bail.

3. The prosecution case is, the applicant being a partner of the firm which was into development of immovable property, accepted consideration from the complainant, however, has not delivered, as promised, the developed property.

4. The submissions are, the applicant stood retired from the

firm with effect from April 1, 2012 and a report to that effect is also made to the Registrar of Firms. Based on the retirement deed dated April 1, 2012, a submission is made that the applicant is no way involved in the offence in question. It is also claimed that the applicant has not received any consideration out of the alleged amount of Booking of Apartment.

5. Learned APP, so also learned counsel for the complainant support the case of the prosecution based on the contents of the F.I.R. and other material on record.

6. Having appreciated the submissions, it is noticed that the applicant is specifically named as one of the partner in the firm, who has accepted the amount from the prospective purchasers. The claim put forth by the applicant that he stood retired with effect from April 1, 2012 and even if it is reduced in writing, no document substantiating the said claim of reporting the matter to the Registrar of Firm is placed on record.

7. Rather, it is claimed by the prosecution that the applicant continued as a partnership firm and is one of the beneficiaries.

8. There are criminal antecedents.

9. No case for pre-arrest bail is made out. The application is rejected.

*(NITIN W. SAMBRE, J.)*