

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

**ANTICIPATORY BAIL APPLICATION NO. 779 OF 2019
WITH
INTERVENTION APPLICATION NO. 741 OF 2019**

Sohan Chainmal Jain & Anr.	...Applicants
Vs.	
State of Maharashtra	...Respondent

- Mr. Krishna H. Holambe Patil, Advocate for the Applicants.
- Mr. Ajit Tamhane with Mr. Ashish Ghadge with S. Suryavanshi i/b Tamhane and company for Intervener
- Ms. S.S. Kaushik, APP for the State.
- Mr. Haresh Kalsekar, API, Kharghar Police Station.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd JULY, 2019**

P.C. :

1. The applicants are seeking anticipatory bail in connection with CR No. 63/19 registered at Kharghar Police Station under Sections. 406, 420, 504, 506 read with 34 of the IPC.
2. The FIR is lodged by one Sandip Patil. He has stated in his FIR that the informant was told by his friend Sagar that construction of a building was going on at Kharghar, Sector-5, Navkar Residency and the builders were the present applicants.

The first informant came there and saw the site. They negotiated the price and decided to purchase a flat for Rs. 36,22,500/-. 20% of the booking amount was taken by the applicants. In all Rs. 16,24,500/- as price and other amount for registration etc. were given. In all amount of Rs. 18,84,920/- was paid. However, he was not given any flat nor the money was refunded to him. Therefore, he lodged this FIR.

3. The investigation was carried out and during the investigation one more victim namely Rajaram Shukla came forward, who had lost his Rs. 15,21,300/- in a similar transaction. Thus, investigation is conducted for misappropriation of amount of Rs. 34,06,220/- that was taken for alleged flats, but no flat was given to these two victims.

4. Heard, Mr. Holambe Patil, learned counsel for the applicants, Mr. Tamhane, learned counsel for the Intervener and Ms. Kaushik, learned APP for the State.

5. The learned counsel for the applicants submitted that applicants have genuinely tried to settle the matter with the victims. However, because of the market condition, they are not in

a position to give any money. They are trying to raise some money, but at this stage it is very difficult for them to fulfill their obligations.

6. Learned counsel for the intervener submitted that the money was taken in the year October 2014 onwards and the victims are poor people. They had to raise money by using their savings. They are suffering irreparable financial losses.

7. Considering the submissions, it appears that money taken by the victims is misappropriated, the flats were not given to the victims and victims are waiting endlessly for possession of their flats. Learned counsel for the applicants submitted that four months time is required to fulfill the obligations. I find that, this time as sought for by the learned counsel, is unreasonable for grant of interim relief. However, if the applicants want to settle the matter with the victims, it is upto the parties. At this stage, the application for anticipatory bail cannot be kept pending indefinitely.

8. In this view of the matter, custodial interrogation of the applicants is necessary to find out how many such victims are suffering losses and to find out money trail. Hence, no case is

made out for relief of anticipatory bail. Hence, application is rejected.

9. Intervener's application is disposed of accordingly.

(SARANG V. KOTWAL, J.)