

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

ANTICIPATORY BAIL APPLICATION NO.1081 OF 2019

Santosh Balkrishna Pawar & Ors

...Applicants

Vs.

State of Maharashtra

...Respondent

Mr. Daljeet Singh Bhatia, for the applicant.

Ms. S. S. Kaushik, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 04, 2019

P.C.:

1. At the outset, Ld. Counsel for the applicants, on instructions, submit that he is not pressing this application in respect of applicant Nos.1 and 2. Therefore, the application is dismissed in respect of these applicants.

2. In so far applicant Nos.3 to 7 are concerned, Ld. Counsel submitted that the FIR mentions general allegations against them. There is no specific role attributed to any of them. Applicant No.3 is 80 years of age.

3. The FIR is lodged by one Pallavi Hedavkar on 14/4/2019.

She has mentioned in her FIR that she is originally resident of Guhaghar, Ratnagiri. She alongwith other acquaintances wanted to purchase residential flats and therefore they contacted the applicants who were in the business of construction by name M/s. Pawar Builders and Developers. The applicants were developing the projects at Guhaghar, Shivaji Chowk. In March 2016, the first informant met the applicant Nos.1 and 2 Santosh and Deepak. At that time, those two applicants gave information about the proposed projects. They informed that their projects would be completed by October 2017 and it was registered under RERA Act. Based on such information, believing them, the first informant and others decided to purchase flats in their project. The first informant paid almost more than Rs.6 Lakhs and her nephew Ninad paid more than Rs.19 Lakhs to the applicants firm. Similarly, others also booked their flats. Ultimately, till filing of the FIR there was absolutely no progress in the construction and the amounts paid by the flat purchasers were not returned by the applicants. In the FIR, there are allegations that the applicant Nos.3 to 7 were partners of the said firm and they had also not handed over the possession.

4. Upon reading the contents of the FIR, it appears that the inducement was given by the applicant Nos.1 and 2. There is also

statement that rest of the applicants were partners of the firm and they had also agreed to hand over the possession within stipulated time. Beyond this, there is no specific role attributed to any of the applicants.

5. Considering this aspect, it appears that the offence is committed by accused Nos.1 and 2 and the other applicants were not involved in inducing the flat purchasing. As mentioned earlier, the applicant No.3 is an aged person. Their acts are different from applicant Nos.1 & 2. Apart from general omnibus statement, no specific role is assigned to them. Therefore, custodial interrogation of applicant Nos.3 to 7 is not necessary. Hence, the following order.

ORDER

1. In the event of their arrest, the applicant Nos.3 to 7 are directed to be released on bail in connection with C.R. No.42/19 registered at Guhagar Police Station, Ratnagiri, on their executing P.R. Bond in the sum of Rs.25,000/- each (Rs. Twenty Five Thousand Only) with one or two sureties each in the like amount.
2. The applicants shall co-operate with the investigation.

3. The applicants shall attend concerned Police Station as and when called.
4. The application is disposed of accordingly.

(SARANG V. KOTWAL, J.)