

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

ANTICIPATORY BAIL APPLICATION NO. 2317 OF 2019

Mr. Amrit Chellram Purohit	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Saurabh Butala i/b. Prayag Joshi a/w. Jitendra Bakliwal,
Advocate for the Applicant.

Ms. S. S. Kaushik, APP for the State/Respondent.

Mr. Harshal Juikar, PSI, Khandeshwar Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th OCTOBER, 2019

P.C. :

1. Leave to amend is granted. The amendment to be carried out forthwith.

2. This application is preferred by the applicant for limited relief for grant of anticipatory bail pending the hearing and disposal of A.B.A.No.220 of 2019 before the learned Additional Sessions Judge, Panvel in respect of C.R.No.210 of 2019 registered with Khandeshwar police station.

3. The FIR is lodged by one Sanika Gharat. According to her, she and her brother in law and sister-in-law had paid Rs.4,03,992/- and Rs.06,05,988/- to the applicant for purchasing flats. This was the booking amount. The flats were booked on the representation made by the applicant. However, the construction could not start as the CIDCO did not give requisite permission.

4. Learned counsel for the applicant states that he has already moved before the court of sessions for anticipatory bail, but on his application for interim protection, no protection was granted to him. Simply notice was issued to the Public Prosecutor and Investigating Officer. The notice was made returnable on 01/11/2019. He submits that the applicant has tried to refund the amount of the informant and civil suits are pending in respect of this transaction. However, without going into the merits of the matter, since the application is pending before the court of Sessions, Panvel, since the offence pertains to the year 2016, no prejudice will be caused to the investigating agency if the applicant is protected till the decision of his anticipatory bail application

before the court of Sessions at Panvel.

5. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C. R. No.210 of 2019 registered with Khandeshwar police station, during the pendency and final disposal of A.B.A.No.220 of 2019 pending before the court of Additional Sessions Judge, Panvel, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Additional Sessions Judge, Panvel shall decide the application on its own merits.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)