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

ANTICIPATORY BAIL APPLICATION NO.2168 OF 2018

Brijesh Vidyabrasad Mourya

..Applicant

Vs

The State of Maharashtra

..Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2019 OF 2018

Pawan Chandra Prakash Tiwari & Anr.

..Applicants

Vs

The State of Maharashtra

..Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2058 OF 2018

Mohd. Chand Hanif Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. Sandeep Mishra for the Applicant in ABA 2168/2018.

Ms. Kusum Pandey for the Applicants in ABA 2019/2018 and 2058/2018..

Ms. J.S. Lohokare APP for State.

Mr. R.S. Narawade, API, Nalasopara Police Station is present.

CORAM : A.S.GADKARI, J.

DATE : 16th April 2019.

P.C.:

1] The applicants are apprehending arrest in CR No. 280 of 2018

dated 17.8.2018 registered with Nallasopara Police Station, District-Palghar under sections 420, 506 read with 34 of the Indian Penal Code, under sections 3,4 of the Maharashtra Protection Of Interest of Depositors Act (MPID Act) and under sections 3,4, 13 of the Maharashtra Ownership Flats Act, 1963 (MOFA).

2] Heard the learned counsel for the respective applicants and the learned APP. Perused the record of investigation.

3] By Orders dated 19th October 2018, 3rd October 2018 and 5th October 2018 the respective applicants were granted interim relief.

4] The record indicates that, the first informant Shri Ganesh Bhore has also lodged a crime bearing CR No.I-133 of 2016 with Nallasopara Police Station, District- Palghar under sections 420, 465, 468, 471 read with 34 of the Indian Penal Code with same set of allegations against the Prithvi Builders and Developers. The cause of action mentioned in the said crime is that, the owners of Prithvi Builders and Developers agreed to sell him Flat No.505 admeasuring about 550 sq.ft in the building constructed by the said builders, accepted consideration of Rs.8,32,000/- and thereafter neither gave possession of the said flat nor returned the money to the informant.

5] The present crime is also registered by same person, namely Shri Ganesh Bhor with same set of allegations and in respect of same tenament in question. Thus it clearly appears that the present crime is the second F.I.R lodged on the basis of same cause of action. In view thereof the applicants can be protected by pre-arrest bail.

Interim relief granted by Orders dated 19th October 2018, 3rd October 2018 and 5th October 2018 to the respective applicants is hereby confirmed.

6] Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)