

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

CRIMINAL BAIL APPLICATION NO. 3164 OF 2019

Manji Jesha Chaudhari & Anr. ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Ashok M. Saraogi, Advocate for the Applicants.
Ms. P.P. Shinde, A.P.P. for the Respondent-State.
Mr. Sonkamble S.G., P.S.I. EOW- Unit - 1, Navi Mumbai.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 18th DECEMBER 2019.

P.C.

Heard.

2. Applicants are seeking enlargement on bail in Crime No. I - 198 of 2019 registered with the NRI Sagri Police Station, for the alleged offences punishable under Sections 420, 406, 465, 466, 467 r/w 34 of the Indian Penal Code, 1860.

3. Applicants are the developers. They

developed plot no. G-69 in Sector no. 20 at Belapur, Navi Mumbai. Planning Authority issued occupation certificate on 08.06.2015. Flats are sold to different persons. One of the flat purchasers reported to the police that the plot no. G-69 was never allotted to Dinanath Mhatre, from whom the applicants have derived/ obtained, development rights. It appears CIDCO admits this fact, however, no steps appears to have been taken by the CIDCO either against Mr. Mhatre or the present applicants.

4. Be that as it may, the applicants came to be arrested on 30.06.2019. The charge-sheet is filed on 30th September, 2019.

5. Learned APP submits, further investigation is in progress and inquiries with the officers of the Planning Authority is on going.

6. It is submitted by the counsel for the applicants, that before purchasing the development

rights in respect of plot no. G-69 from Dinanath Mhatre, a public notice was published. He submits an registered agreement is executed with Dinanath, thereafter construction permission was obtained from the Planning Authority and in June, 2015 occupation certificate has been issued.

7. In view of the facts of the case, application is allowed.

ORDER

(i) The applicants are directed to be released on bail in Crime No.198/2019, on executing P.R. Bond in the sum of Rs.50,000/- each, with one or more sureties in the like amount;

(ii) The applicants shall furnish their residential address as well as permanent address and mobile number to the investigating officer within seven days of release on bail;

(iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

8. The application is allowed in the aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

(*SANDEEP. K. SHINDE, J.*)