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

**ANT. BAIL APPLICATION NO.894 OF 2020**

Ramashish Gopal Gupta & Ors. ... Applicants  
Vs  
The State of Maharashtra ... Respondents  
...

Mr. Karansingh Rajput i/by Mr. Jipnesh N. Jain for the Applicants.

Dr. Abhinav Chandrachood i/by Mr. Sandeep Maurya for Intervenor.

Mrs. Veera Shinde, APP for the Respondent-State.

PSI Kunal Kuvewad attached to Uttan Police Station present.

**CORAM : SANDEEP K. SHINDE J.**  
**DATE : 14<sup>th</sup> DECEMBER, 2020.**

**P.C. :**

Heard learned counsel for applicants,  
complainant and the learned Additional Public  
Prosecutor for the State.

2           It is alleged that the applicants in prosecution of the common object, intimidated and committed house tress-pass, having made preparations for causing hurt to the complainant. On report, Crime No.347 of 2018 came to be registered on 22<sup>nd</sup> May, 2018 at Kashimira Police Station at the instance of Vijay Kanhaiyyalal Joshi, a partner of M/s. Aroon Bhumi Corporation. Apprehending the arrest, applicants are seeking pre-arrest bail.

3           Vinay Joshi (Complainant), partner of M/s. Aroon Bhumi Corporation and the applicants being partners of M/s. Jagruti Developers, had agreed to develop plot of land at Village: Miragaon, District: Thane, as a joint venture project. The subject development agreements entered into between M/s Aroon Bhumi Corporation and Jagruti Developers though initially entered into 2009, were registered on

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4<sup>th</sup> August, 2011. While executing the, joint venture project, differences arose between the complainant's firm and the applicants. Resultantly, complaints and cross-complaints were filed against each other. On 4<sup>th</sup> June, 2014. M/s Aroon Bhumi Corporation, terminated development and sub development agreement. Also appears, that Jagruti Developers through its partners had filed complaints on 10<sup>th</sup> May, 2017, 7<sup>th</sup> February, 2018 and 10<sup>th</sup> May, 2018 against the complainant herein and his partners. Besides, civil disputes in relation to the land where development project was on going, proceedings under Section 145 of the Code of Criminal Procedure, 1973 were initiated before the Special Executive Magistrate, Thane in Criminal Case No.145/01/2018. Thus, it appears, allegations of the house tress-pass committed by the applicants is fall out of pending disputes and may be with an intention to oust applicants' firm from the development project. It may also be stated that the offence under Section 395

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of the Indian Penal Code, 1860 has been added on 16<sup>th</sup> April, 2019 though the report was filed on 22<sup>nd</sup> May, 2018.

4           In consideration of the aforesaid facts, in my view, case is made out for granting pre-arrest bail to the applicants in Crime No.0347 of 2018 registered at Naya Nagar Police Station on the following terms and conditions:

**ORDER**

5           in the event of arrest of the applicants in Crime No.0347 of 2018 registered with Naya Nagar Police Station, they shall be released on executing PR bond for the sum of Rs.25,000/- each with one or more sureties in like sum.

6           They shall report to the Investigating Officer as and when called.

7           They shall furnish their permanent residential addresses and contact numbers to the Investigating Officer

forthwith.

8       The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9           Application is, accordingly, allowed and disposed of.

10       It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

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