

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2358 OF 2018

ALONGWITH

CRIMINAL APPLICATION NO. 1353 OF 2018

Deepak Yashwant Patil

...Applicant

Versus

The State of Maharashtra

....Respondent

WITH

INTERIM APPLICATION NO.1 OF 2019

IN

CRIMINAL BAIL APPLICATION NO. 2358 OF 2018

Ravindra Eknath Kumawat & Ors.

...Applicants

IN THE MATTER OF

Deepak Yashwant Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Adv. Niteen Pradhan a/w Adv. S.D. Khot, Adv. Aditya Lasaria, Adv. Tanvi G. Tapkire, Advocates for the applicant in Bail Application No.2358/2018.

Adv. Kanchan C. Phatak h/f Adv. N.P. Deshpande for Intervenor in Interim Application No.01/2019.

Adv. Sushant S. Prabhune, Advocate for Applicant /Intervenor in Criminal Application No.1353/2018.

Ms. J.S. Lohakare, APP for Respondent-State.

Mr. Siddhant Patil, Son of Applicant present.

CORAM : SANDEEP K. SHINDE, J.**Monday, 27th January, 2020.**

P.C. :

Heard.

1. Application No. 2358/2018 with Interim Application No. 01/2019. Intervenor seeks time on the ground that Mr.Deshpande , learned counsel for the intervenor, requires it for his personal difficulty.

2. Applicant seeks enlargement on bail in Crime No.175/2018 registered with Chaturshringi Police Station, Pune for the alleged offences punishable under Sections 406, 409, 420, 467, 468, 471, 474 of the Indian Penal Code, 1860 ("IPC" for short) read with Sections 3, 10 and 13(1) of the Maharashtra Ownership of Flat Act ("MOFA" for short).

3. The complainant is a promoter/ developer, who is in custody since April, 2019. It appears, the investigation is over and the final report has been filed.

4. The complainant is a flat purchaser to whom the applicant had agreed to sell flat vide agreement dated 10th October, 2012. However, he alleged the same flat was sold by the applicant - promoter to one Amardeep Singh and further alleged that the applicant had previously created a charge on said flat. The complainant had also alleged that the applicant forged the commencement certificate of the Local Municipal Planning Authority. On this set of allegations, the subject offence came to be registered on 19th April, 2018.

5. The complainant who is respondent no.2 is present before the Court through Advocate Mr. Prabhune. The complainant and the applicant have settled a dispute and the applicant had also filed an affidavit in November, 2019. In paragraph no.4.1 of the affidavit cum undertaking, the applicant is willing to pay Rs. 57,85,231/- by demand drafts to the complainant in the three installments to the complainant;

1. 29.01.2020	25,00,000/-
2. 29.02.2020	15,00,000/-
3. 29.03.2020	17,85,231/-
Total =	57,85,231/-

6. The complainant has no objection and has consented to receive the consideration in the installments as stated herein above. Undertaking is accepted. It may be stated that the applicant's son is present in the Court.

7. Learned counsel for the intervenor further opposed the application. I have perused the intervention application. The intervenor is complainant in Crime No.259 of 2014, wherein, the Additional Sessions Judge, Pune vide order dated 04.12.2014 had released the applicant on bail. This order was challenged by the intervenor Mr. Ravindra Kumawat, before this Court in Criminal Application No. 12/2015. This Court however declined to cancel the bail order and dismiss the said application No. 12/2015.

8. I have perused the order. It shows that the

intervenor Mr. Ravindra Kumawat had also filed the Writ Petition No.274/2015 in this Court for several reliefs against the applicant in relation to the project which he was undertaking. Be that as it may, since Mr. Ravindra Kumawat had filed an independent F.I.R and since the applicant had been released on bail, I do not see any reason to permit Mr. Ravindra Kumawat - to intervene in the present proceeding. In view of the facts of the case and the material available on record, the interim application No.01/2019 is rejected.

9. That in view of the settlement of the disputes between the applicant and complainant, the application is allowed and the applicant is directed to be released on bail hence the following order.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.50,000/- with one or more sureties in the like sum;

(ii) The applicant shall furnish the particulars of his residential address as well as permanent address and contact details to the investigating officer within seven days from the date of his release on bail;

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

10. The application is allowed in the aforesaid terms and disposed off.

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

(SANDEEP K. SHINDE, J.)