

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

CRIMINAL BAIL APPLICATION NO. 2907 OF 2019

Manish Harishankar Dubey ... Applicant

Versus

The State of Maharashtra ... Respondents

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Mr. Murtuza Najmi a/w Mr. Alif M. i/by Mr. Dilip Shukla,
Advocate for the Applicant.

Mr. Shashank P. Borade, Advocate for Respondent No.2.

Mr. S.R. Agarkar, A.P.P. for the Respondent-State.

Mr. M.S. Borase, P.S.I., Nayanagar Police Station.

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CORAM : SANDEEP. K. SHINDE, J.

DATE : 31st JANUARY, 2020.

P.C.

Heard.

2. Applicant is seeking enlargement on bail in Crime No. 71 of 2019 registered with Nayanagar Police Station, for the alleged offences punishable under Section 420 read with 34 of the Indian Penal Code, 1860 ('IPC' for short).

3. Applicant is a partner of promoter/developer, whereas the complainant is a flat purchaser. It

appears, on the breach of contract for the sale of flat, the complaint came to be lodged by the flat purchaser.

4. The parties have settled the disputes upon certain terms and conditions whereby the applicant has agreed to repay Rs. 31,00,000/- to the complainant, such amount being paid by him to the promoter/developer through an Affidavit filed by applicant and of his father assuring payment as set out in the schedule of the affidavit of the applicant. Complainant and his counsel are present in the Court. Today, the applicant has handed over the bank's cheque of Rs. 7,00,000/- to the complainant. All affidavits are accepted and taken on record as undertakings to this Court.

5. In view of the facts and circumstances of the case, affidavit of the applicant, of his father, and in addition, since charge-sheet has been filed and trial is not likely to commence in the near future, the

applicant is directed to be released on the bail on following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

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

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

6. The application is allowed in the aforesaid terms and disposed of.

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

8. Place this bail application for compliance for undertaking on 06th March, 2020.

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