

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

ANTICIPATORY BAIL APPLICATION NO. 249 OF 2019

Kalyanrao Jagannath Jadhav

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

Mr. Vikrant Chavan a/w. Ms. Chandni Bhatt i/b. M/s. C. K. Legal,
Advocate for Applicant.

Smt. J. S. Lohokare, APP for State/Respondent.

Ms. Roshni M. Thakkar i/b. The Juris Partners, for Original
Complainant.

.....

CORAM : SARANG V. KOTWAL, J.

DATE : 18th FEBRUARY, 2021

P.C. :

. The applicant is seeking anticipatory bail in connection with C.R.No.186/2018 dated 7th June 2018 registered with Warje-Malwadi Police Station, Dist : Pune, under Sections 420 and 406 of Indian Penal Code as well as under Sections 3, 4 and 13(1), 13(2) of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ('MOFA' in short).

2. The F.I.R. was lodged on 7th June 2018 by one

Ravindra Sankla. The gist of the F.I.R. is that, the applicant was in need of money to complete his project. He made a representation to the informant that he wanted financial help and in lieu of loan, he was prepared to give certain units in his project, as security. The informant gave Rs.3 Crores by way of loan. It is alleged that the applicant had entered into an M.O.U. wherein, he had agreed to transfer those units to the informant in case, he was unable to return his money. It is the case of the first informant that the units which the applicant had agreed to transfer in the name of the first informant were sold to third parties. The applicant did not return the amount and therefore, the informant was cheated and on this basis, F.I.R. was lodged.

3. Heard Mr. Vikrant Chavan, learned Counsel for the applicant, Smt. J. S. Lohokare learned APP for the State and Ms. Roshni M. Thakkar, for the original complainant.

4. The applicant was protected by way of interim order since June 2019.

5. Learned APP, on instructions, states that the applicant has co-operated with the investigation. This Court (Coram : Revati

Mohite-Dere, J.) vide Order dated 20th March 2020 had recorded that the applicant had undertaken to deposit Rs.2,91,00,000/- between 15th April 2020 to 15th May 2020. It was noted in that order that, the learned Senior Counsel for the intervener stated on instructions, that the intervener would have no objection for having the proceeding quashed against the applicant, in the event, the applicant deposited the amounts mentioned in that order. Today, Affidavits are filed on behalf of the applicant as well as on behalf of the intervener. Both the Affidavits are taken on record.

6. In the affidavit, the applicant has stated that, he had deposited Rs.2,91,00,000/- between April 2020 to December 2020. He submitted that the schedule was extended by previous orders of this Court.

7. This factual aspect is not controverted in the Affidavit filed by the intervener. The intervener has accepted the payment of such amount.

8. In view of this development, the applicant has sufficiently established his bonafides. He has complied with the directions mentioned in the Order dated 20th March 2020. The

dispute is strictly private between the parties.

9. In this view of the matter, the custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

10. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R.No.186/2018 2018 registered at Warje-Malwadi Police Station, Dist: Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)