

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

ANTICIPATORY BAIL APPLICATION NO.505 OF 2021

Vijay Ramji Sabni

..Applicant

Versus

The State of Maharashtra and Anr.

..Respondents

Mr. Aayush Pandey i/by Gaurav Pandey, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Yash Tiwari i/by K. P. Tiwari & Co., for Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 13th DECEMBER, 2021

PC.

1. This Court had granted ad-interim protection in favour of the applicant as he had assured he shall hand over possession provided the complainant deposits/pays Rs.50,00,000/-.

2. It appears that the applicant has not complied with the order and that being so, ad-interim protection ordered to be vacated.

3. Submissions of learned counsel for the applicant are that applicant has every intention to settle the matter.

4. Complainant and applicant entered into a MOU thereby agreeing for a consideration of Rs.1,00,00,000/- in relation to the property mentioned in MOU dated 14th July, 2019. The complainant has already parted with Rs.50,00,000/- of consideration and

balance Rs.50,00,000/- was agreed to be paid by the complainant which admittedly is not paid till date as it is claimed that the property is mortgaged with the bank and the loan is not cleared.

5. Counsel for the applicant informs that Rs.50,00,000/- were to be paid as agreed in the aforesaid MOU by the end of 2020 and in default the loan amount is mounted from Rs.50,00,000/- to Rs.64,00,000/-. Counsel for the applicant informs that applicant is willing to share 50% burden of interest i.e. Rs.7,00,000/- and balance amount of Rs.7,00,000/- can be shared by the complainant.

6. Counsel for the complainant submits that amount of Rs.50,00,000/- will be deposited within a period of four weeks from today.

7. As such, the statement is accepted. Complainant is at liberty to deposit amount of Rs.50,00,000/- in this Court.

8. As such, complainant has shown his bonafides whereas applicant/accused is unable to demonstrate by depositing amount of Rs.7,00,000/- as has been mentioned herein above.

9. In that view of the matter, in my opinion, no case for bail is made out.

10. As such, application stands rejected.

[NTIN W. SAMBRE, J.]