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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1700 OF 2021

JANARDAN SHAMBA MANJREKAR

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Mr. Vinod Bhadang a/w Iqbal Shaikh i/b Mr. Ganesh Pawar for the
applicant**

Ms. A. A. Takalkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 20, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 121/2019 registered with Dahisar Police Station for offence punishable under Sections 405, 420, 120-B r/w 34 of the Indian Penal Code.

2] Applicant, a proprietor of Shraddha Developers entered into joint venture with A.S. Corporation on 18/12/2014.

3] Prior to the same, in the very said project, complainant's interest in two flats was transferred to one Arun Upadhyay for consideration of Rs. 30 Lakhs who in turn sold the said interest to Nitin and Meena Shah. Nitin and Meena Shah on 15/06/2008 entered into Deed of Transfer in favour of complainant of the said flats to which applicant is a consenting party, being a developer who is in joint venture with A. S. Corporation.

4] As such from the aforesaid, it can be inferred that consideration received by the applicant may not be directly from the complainant, but interest of the complainant in the said two flats which was conferred by initial Agreement dated 10/06/2007, was confirmed and endorsed by the applicant-accused.

5] Applicant-accused since last about more than 14 years has not taken the project to its logical end.

Applicant has neither refunded the amount received nor honoured the demand of handing over developed flats.

6] Liberty was given by this Court to the applicant to show his bonafides by depositing amount of Rs. 31 Lakhs which he has accepted in 2007 towards part consideration of the two flats which he has failed to.

7] In the aforesaid background, no case for grant of protection/bail is made out. Application stands rejected.

8] In view protection operating in favour of the applicant since last about 6 months, same is continued for a period of 4 weeks.

[NITIN W. SAMBRE, J.]