

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

CRIMINAL BAIL APPLICATION NO.6 OF 2021

Rajvardhan Tulshiram Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Anand Upadhyay for the Applicant

Mr. H. J. Dedhia, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 14th OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 91/2017 initially registered with the Kamothe Police Station and subsequently transferred to the Economic Offence Wing-II, Navi Mumbai, for the alleged offences punishable under Sections 420, 406, 34 of the Indian Penal Code; under Section 13 of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale,

Management and Transfer) Act and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act ('MPID Act').

3 Perused the papers. According to the complainant-Rajendra Kamble, he was in search of one tenement near Panvel and hence, got in touch with M/s. Khyatiraj Devcon, who was going to start construction of a new building at Mauje Vichumbe, Survey No. 91, Hissa No. 1A/1, Taluka Panvel, Raigad. It is alleged by the complainant-Rajendra that he visited the office on 19th October 2014, where, he was informed that the applicant and his wife were the Directors of the said M/s. Khyatiraj Devcon Pvt. Ltd. and that another co-accused Sanjay Govari and his wife were partners of M/s. Khyatiraj Builders and Developers. It is alleged by the complainant that the land on which the building was to be constructed, belonged to Sanjay Govari and his wife and that all permissions were obtained and they were to start and complete the project in two years. Pursuant thereto, the complainant-Rajendra visited the site and thereafter, booked a flat of 325 sq.ft. and paid an amount of Rs. 48,750/- to the builder, by cheque. It is alleged by the complainant that the project did not commence, pursuant to which, he met the applicant and co-accused-Sanjay Govari several times, however, they gave evasive replies and did not return the money. Pursuant

thereto, the aforesaid complaint was lodged, alleging the aforesaid offences.

4 It appears that at about 32 people had booked flats in the said project and the total amount involved in the present C.R. is about Rs. 32,01,875/-. It appears that during the course of investigation, the total properties seized/attached were 4 immovable properties, valuation of which, is Rs. 1,64,79,800/- and bank account having sum of Rs. 53,19,206/- in Fixed Deposits, which have now been converted into loan amounts. The said properties which have been attached, belong to the other co-accused and not the applicant. All the other 3 co-accused, including Sanjay Govari have been released on bail. The applicant is in custody since 8th March 2019. Investigation is complete and charge-sheet is filed. It appears that there are 3 cases in all, registered as against the applicant, alleging similar offences, except an offence under the MPID Act. The total amount involved in all the said cases is about Rs. 81 lakhs odd and the properties attached are valued at about Rs. 1 crore 64 lakhs.

5 Considering the aforesaid, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, until further orders;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

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

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.