

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO.3533 OF 2021**

Hussain Abbas Boxwalla Applicant
Versus
The State of Maharashtra & Ors. ... Respondents

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Mr. S.T. Pandey a/w. Arvind Singh, Ashif Husain, J.M. Patel, Deepika Oswal,
Ramsha Khatib i/b.SBG Law for the Applicant.

Mr. Madhusudan Ravindran Pillai (in person) a/w. Dilip Shukla for the First
Informant.

Mr. S.R. Shinde, APP for Respondent-State.

Mr. Pranav Kale, API Naya Nagar, PS.

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CORAM : SURENDRA P. TAVADE, JJ.

DATE : 3rd NOVEMBER, 2021.

P.C. :

1. This is an application for bail u/s.439 of Cr.P.C in connection with
C.R.No.346 of 2021 registered with Naya Nagar Police Station, Mira Bhayandar,
Thane for the offences punishable u/s.420, 340F r/w. Sections 4 & 5 of MOFA
Act, 1963.

2. There was a dispute between the applicant and the informant

Madhusudhan Pillai in respect of Flat No.304 situated in E Wing, AVF Green Project, Naigaon (E), Thane. The informant made part payment of the flat. The applicant had promised him that he would hand over the possession by December 2017. The informant paid Rs.15 Lacs to the applicant. The project came to be delayed due to litigation. Ultimately the commencement certificate was issued on 05.04.2021.

3. The Municipal Corporation Meera Bhayandar has directed the applicant to complete the project by December 2023. The project was delayed beyond the control of the applicant, but now the construction has started. The informant has filed affidavit wherein he has averred that the applicant has given him assurance that he would hand over the possession of flat. The dispute is settled. Therefore, he has no objection for grant of bail to the applicant. The applicant has undertaken to hand over the possession to the informant by December 2023. It appears that the dispute is settled between the parties. Therefore, there is no harm for enlarging the applicant on bail. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant is directed to be released on bail in connection with C.R.No.346/2021 registered with Naya Nagar Police Station, Mira Bhayandar

on furnishing PR & SB bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

4. The applicant is directed to attend the concerned police station as and when called by the investigating officer before the trial court.
5. The applicant is directed not to tamper with the prosecution witnesses.
6. The application is disposed of in the above terms.

(SURENDRA P. TAVADE, J.)