

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

ANTICIPATORY BAIL APPLICATION NO.2292 OF 2019

Sohan Chanmal Jain & anr. Applicants

versus

State of Maharashtra & Anr. Respondents

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- Mr.Keral Mehta i/b. Niranjana Mudargi i/b. Rishikesh A. Mohite, Advocate for Applicants.
- Mr.S.H. Yadav, APP for the State/Respondent.
- IO – API Haresh Kalsekar, Kharghar Police station, Navi Mumbai.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.312/2018 registered with Kharghar Police Station, Navi Mumbai, under sections 420, 465, 467, 468, 471, 504, 506 (2), 120-B r/w 34 of the Indian Penal Code.
2. The FIR is lodged by one Alvin Saldhana on 17/08/2018. He has stated in his FIR that he wanted to

purchase a residential room. He came to know that construction was going on, on plot No.505/673 in Sector-5, Kharghar. The construction was carried out by Navkar builders. The Applicants are partners of Navkar Builders. The informant met the Applicants. The Applicant represented to him that they had all the requisite permissions for construction. On their representation, the informant paid them Rs.17,50,000/- for purchase of room No.102 admeasuring 610 sq.ft. The price was fixed as Rs.31,00,000/-. However there was no progress. No documents were executed and in the meantime, CIDCO demolished the construction because it was unauthorized. The informant realized that he was cheated and his money was misappropriated. Therefore this FIR is lodged.

3. Heard Mr.Keral Mehta, learned counsel for the Applicant and Mr.S.H. Yadav, learned APP for the State.
4. The Applicants were protected by interim order dated 17/10/2019 as the learned Counsel for the Applicant had made

a statement that the Applicants are willing to refund the amount which they had taken from the informant with reasonable interest. Today, the learned counsel for the Applicants is making a statement that the matter is settled between the parties and the informant is given an alternate flat.

5. Learned APP on instructions of the Investigating Officer who is present in the Court states that 'C' summary is filed in the Magistrate's Court and therefore investigating agency does not want to arrest the Applicant. In view of this statement, the Applicants can be protected by an order anticipatory bail as the investigating agency does not want custodial interrogation of the Applicants, in view of this subsequent development, which had taken place after lodging of the FIR.

6. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with

C.R.No.312/2018 registered with Kharghar Police Station, Navi Mumbai, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)