

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 283 OF 2022

Kiran Balasaheb Kumbharkar ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Ashwin Rana for the Applicant.

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

CORAM : C.V. BHADANG, J.

DATE : 18 FEBRUARY 2022

P.C.

1. The Applicant apprehending his arrest in connection with the investigation of Crime No. 758 of 2021 registered with Hinjewadi Police Station, Dist. Pune under Section 420 and 406 read with Section 34 of I.P.C. and Section 3 of the Maharashtra Ownership of Flats Act, 1993, is seeking pre-arrest bail.

2. By an order dated 04.02.2022, the Applicant was granted interim protection subject to the Applicant reporting to the Investigating Officer. The learned APP states that Applicant has accordingly reported and has co-operated with the investigating agency.

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3. There was a flat project system floated by 'Pristine Horizon Promoter and Builders'. As per the complaint lodged by the first informant, the builder inspite of having received the booking amount from the informant and other flat purchasers as named in the complaint has failed to construct the building and to deliver the flats. The Applicant was appointed as 'Sales Executive' by Pristine Horizon by an order dated 01.07.2011 and claims to have resigned from the said job on 27.01.2020.

4. I have heard the learned counsel for the parties. Perused record.

5. It is not disputed that the Applicant was only an employee of Pristine Horizon, Promoters and Builders working as Sales Executive and it is neither the case of the complainant nor any material to show that any amount was transferred to his account personally or to show that he is a beneficiary of any such transactions.

6. In that view of the matter, Criminal Application is disposed of in terms of order dated 04.02.2022 which is made absolute. The Applicant shall continue to co-operate with the investigating agency.

(C.V. BHADANG, J.)