

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

ANTICIPATORY BAIL APPLICATION NO.939 OF 2021

Sambhaji Shivaji Sankpal Applicant
Versus
The State of Maharashtra Respondent

Ms. Sonal Parab, Advocate i/b. Rajeev Sawant, for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.246/2019 registered at Kharghar police station, Navi Mumbai under Sections 420 of the Indian Penal Code and under Section 13 of the Maharashtra Ownership of Flats (Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963.

2. Heard Ms. Sonal Parab, learned counsel for the applicant and Shri Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Digvijay Singh Aswal. He

has stated in his FIR that the applicant had represented to him that he was making construction at a site at Panvel. For that purpose he had taken Rs.6,60,400/-. The informant was given allotment letter. Thereafter the flat was not given and the amount was not returned. Therefore the FIR was lodged. It is mentioned in the FIR that there were other purchasers who have paid purchase price to the applicant. They were similarly cheated.

4. On 23.4.2021, learned counsel for the applicant had made a categorical statement that there were in all five flat purchasers, out of whom the matter was settled by the applicant with four flat purchasers. The only unsatisfied flat purchaser was one Mrs. Romisha Shajjad Shaikh.

5. Today, learned APP on instructions makes a statement that the applicant has even settled the matter with that Romisha Shaikh.

6. As far as the present informant is concerned, learned counsel for the applicant states that even with the first informant the matter is settled. She relied on a notarized

memorandum of understanding, a copy of which is annexed at Exhibit-B. Considering this memorandum of understanding and as per the investigation, the matter is settled with all the victims. In view thereof, the applicant can be protected by an order of anticipatory bail. It is made clear that if any of the statements made on behalf of the applicant is found to be untrue, the victim is at liberty to make an application for cancellation of this order.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.246/2019 registered with Kharghar police station, Navi Mumbai, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.01.19
12:11:36 +0530

(SARANG V. KOTWAL, J.)