

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1504 OF 2022**

Yogesh Pravinchandra Bhatt .. Applicant
Versus
The State of Maharashtra .. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1713 OF 2022**

Umesh Pravinchandra Bhatt .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Vikram Chavan with Chandni Bhatt i/b M/s.C.K. Legal for both the applicant.

Mr.Harihar Bhavave with Smruti Jadhav i/b Bhavave & Co. for respondent no.2 in both applications.

Ms.A.A. Takalkar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 1st JULY 2022.

P.C:-

ABA No.1504/2022

1 The applicant was protected by an order dated 8/6/2022 by recording that he is a builder/ developer and is arraigned as an accused, since the project in which the complainant has invested, was not completed.

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Statement was recorded on behalf of the applicant that the developer has sought extension from the RERA Authority.

2 The learned counsel for the applicant has placed on record the order passed by the Maharashtra Real Estate Regulatory Authority in form No.5 which is a certificate for extension of registration of the project. The said letter record that M/s.Vinayak Developers having its registered office in Andheri, Mumbai, is granted renewal of registration, subject to certain stipulations and one of them being, that the registration shall be valid upto 30/6/2023, unless renewed by the Regulatory Authority.

3 In the wake of the above extension, the learned counsel for the applicant state that since the time for completion of the project is now extended to 30/6/2023, it shall be his sincere endeavour to complete the said project within the said period, in absence of which his registration with the RERA itself would be liable to be investigated.

He has placed on record an affidavit sworn by the applicant where he has undertaken as under :-

“1 I say that I am the partner of M/s.Vinayak Constructions and I hereby undertake to this Hon’ble High Court on behalf of all the partners of M/s.Vinayak Constructions to deliver the possession of Flat No.501, Wing A, 5th floor in Jessica CHS Ltd. along with OC as assured to the respondent no.2 i.e. Mrs.Sarika S. Rokade

under Agreement for Sale dated 10th December 2015 on or before 30th June 2023.

2 I hereby also say that the Maharashtra Real Estate Regulatory Authority has granted extension for competition of the project namely redevelopment of Jessica CHS Ltd till 30th June 2023 vide certificate bearing No.PF1800011498 dated 29th June 2022.”

The affidavit is taken on record.

4 In the wake of the aforesaid statement, the complainant who is present in the Court, is satisfied with the said undertaking, the learned counsel however, state that, since there was a delay in delivering the said flat to him, despite an agreement for sale being executed on 10/12/2015, he may be granted liberty to approach the appropriate authority for seeking compensation.

Needless to state that the complainant can always avail the remedies available to him under the law.

5 Accepting the statement made in the affidavit as an undertaking to this Court, the order dated 8/6/2022 is made absolute.

It is made clear that upon breach of the aforesaid undertaking, the prosecution/complainant are at liberty to approach this Court, seeking cancellation of his liberty.

6 Anticipatory Bail Application No.1504 stand disposed off.

ABA No. 1713/2022

7 As far as ABA No.1713/2022 is concerned, the applicant is an Architect associated with M/s.Vinayak Constructions and he was also arraigned as an accused in the same C.R.

In the wake of the undertaking submitted by the partner of M/s.Vinayak Construction on behalf of all the partners, the applicant also deserve a protection from arrest. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Umesh Pravinchandra Bhatt in connection of C.R.No.0707/2022 registered with Borivali police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
 - (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
 - (c) The Applicant shall make himself available as and when required by the Investigating Officer.
4. The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)