

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1571 OF 2022
WITH
INTERIM APPLICATION NO. 2302 OF 2022

Avinash Lala Barne and anr.

....Applicants

V/s.

State of Maharashtra

...Respondent

Mr. Sandeep S. Salunkhe, Advocate for the applicants.

Mr. A.A. Palkar, APP the State,

Mr. N.R. Bubna, Advocate for respondent no.2 and for applicant in IA-2302-2022 and for applicant in I.A.

CORAM : SANDEEP K. SHINDE, J.

MONDAY 14TH NOVEMBER, 2022.

P.C. :

1. Heard learned Counsel for the parties.
2. Applicant is a Developer. Complainant and his wife, booked a flat in a project floated by the applicants. That since possession was not handed over, grievance was made to the MAHA RERA. A settlement was arrived, whereby

the applicants paid Rs.10,00,000/- to the first informant and his wife. That since possession was not handed over in time, the crime in question came to be registered against the applicants under Sections 406, 420, 468 and 471 of the Indian Penal Code. On that day, learned Counsel appearing for the applicants, on instructions, made a statement that applicants were ready to refund the amount paid by the first informant and his wife alongwith interest at the rate of 9% p.a. or to deliver the possession of the subject flat free from all encumbrances, at the option of the first informant.

3. Mr. Bubna, learned Counsel appearing for the first informant, on instructions submits that, let the applicants refund the amount with interest at the rate of 12% p.a. This submission clearly indicates that the applicant is not interested in the flat. However, now on instructions, Mr. Bubna, learned Advocate submitted that, applicants are willing to take possession of their flats. Mr. Salunkhe, learned Counsel for the applicants submits that, possession of the Flatys, would be handed, over to informant within three weeks from today. In that view of the matter, the application is allowed. Thus, the following order :

ORDER

(i) In the event of arrest of the applicants in Crime No. 1010/2021 registered with Wakad Police Station, Pune, they shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each with one or more sureties in the like sum.

(ii) Applicants shall report to the Investigating Officer as and when called.

(iii) Applicants shall furnish residential address, as well as, contact details to the Investigating Officer.

(iv) Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The application alongwith all pending applications therein are disposed of.

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(SANDEEP K. SHINDE, J.)