

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

**ANTICIPATORY BAIL APPLICATION NO.2645 OF 2021
WITH
INTERIM APPLICATION NO.2288 OF 2022**

Mr. Vinayak Kashinath Parab ..Applicant
Versus
State of Maharashtra & Ors. ..Respondents

**AND
ANTICIPATORY BAIL APPLICATION NO.2647 OF 2021
WITH
INTERIM APPLICATION NO.2283 OF 2022**

Ram Naresh Murli Chauhan ..Applicant
Versus
State of Maharashtra & Ors. ..Respondents

Mr. R. B. Mokashi a/w S. R. Mokashi & Shamia Qureshi, for the
Applicant in both Applications.
Ms. Geeta Mulekar, APP for the Respondent No.1/State.
Mr. Sajid Shaikh a/w Bharat Patel i/by Kaleeyantey Law Firm, for
the Respondent No.2.
Mr. Dattatray P. Adarkar, for Respondent Nos.3 & 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 22nd SEPTEMBER, 2022

PC.

1. Both these applicants are seeking pre-arrest bail in
Crime No.147 of 2021 registered with Khandeshwar Police Station
for the offence punishable under Sections 420, 406 r/w 34 of IPC

and Sections 4(a), 13(1) of MOFA Act.

2. The case of the prosecution is, applicants having accepted consideration against delivery of developed property failed to honour promise. As such, offence in question.

3. Submissions of counsel for the applicants Mr. R. B. Mokashi are, applicants are law abiding businessmen and have every intention to honour commitment which has made to the parties like complainants and intervenors. He would urge that the applicants had every intention to settle the dispute with the parties and as such, so as to show bonafides, applicants are willing to deposit an amount of Rs.4.5 lakhs with the Investigating Officer. He would further urge that the claim of the other intervenors which is in tune with the claim with the complainants will also be settled as already talks are in progress. As far as aforesaid contentions are concerned, counsel for the complainants and the intervenors have disputed the position as regards failure on the part of the applicants to settle the dispute.

4. Learned APP based on the investigation would oppose the prayer of the applicants.

5. I have appreciated the submissions.

6. The applicants with a promise to deliver developed

property within scheduled time have accepted consideration from the complainants and other similarly placed persons. Applicants have not honoured their commitment in spite of having received an amount. As such, complainants were required to approach the police authority.

7. The fact remains that the offence came to be registered on 8th June, 2021. For last more than one year, no efforts are made by the applicants to settle the dispute with the complainants and the intervenors, even before this Court also, application is pending since last about more than six years. For almost a year every time matter is adjourned at the behest of the applicants, so as to give opportunity to settle the dispute. Today, during the course of hearing, applicants have come out with a plea that they are willing to deposit an amount of Rs.4.5 lakhs against the claim of the complainants to which the complainants have no agreement. Apart from above, other intervenors who are similarly placed like complainants have disputed the proposition canvassed by the counsel for the applicants, as the applicants have intention to settle the dispute.

8. Perusal of the contents in the FIR primarily depicts that the applicants have accepted consideration on promise of delivery of developed property. Once it is acknowledged by the applicants that they have received consideration and failed to deliver developed property as promised, necessary ingredients of offence punishable

under Sections 420 and 406 of IPC are established. In this background, no case for bail is made out.

9. Both these applications as such stand rejected.

10. In view of disposal of applications, interim applications also stand disposed of.

[NITIN W. SAMBRE, J.]