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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2049 OF 2022

Mahendra R. Sangoi] .. Applicant
vs.
State of Maharashtra] .. Respondents

Mr.Abad Ponda, Senior Counsel a/w Siddhesh Bhole, Yakshay Cheda,
Aarti Deodhar i/b SSB Legal & Advisory for Applicant.

Mr.S.V. Gavand, App for State.

PI Gajanan Jinkalwd, present.

CORAM : BHARATI DANGRE, J

DATE : 28TH JULY, 2022.

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1] Offences invoked at the time of registration of CR No.492/2022 are under under Sections 11 and 13 of the Maharashtra Ownership Flat Act, 1963 .

2] While dealing with the accusations before the Sessions Court, the Investigating Officer in his say submitted on 03.06.2022 categorically stated that despite Section 34 has been added in the CR, the applicant has rendered his co-operation in the investigation and there is no need for custodial interrogation.

3] In the month of July, 2022 an application was made before the JMFC for adding Section 406 and 309 of the IPC in the subject CR by stating that the pamphlet induced the informant to purchase the flat and despite specific stipulation in the Agreement to Sale, the conveyance deed was not executed and therefore there was breach of the Agreement to Sale deed and the complainant has been deprived of the assured facilities.

4] When the complaint is read in its entity the allegations about criminal breach of trust are conspicuously absent. There is even no whisper about any facilities being imposed or reflected in the brochure/pamphlet to which the Investigating Officer is making reference. It appears that it is the Investigating Officer's own invention that there was some pamphlet which assured the facilities.

5] In the wake of aforesaid circumstances, which are raised in the record, the applicant deserves to be released on bail. Hence, following order :

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.492/2022 registered with Waliv Police Station, the applicant Mahendra R. Sangoi 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.

(c) The applicant shall report to the concerned police station as and when called for.

(d) 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.

[BHARATI DANGRE, J]