

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2418 OF 2021

Mrs.Vaishali Alias Vrushali Akash Mohite ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Satyam H. Nimalkar for the Applicant.

Mr.R.M. Pethe, APP for the Respondent –State.

Mr.Dipak Khedkar, PSI, Sinhagad Road Police Station, Pune City.

CORAM : C.V. BHADANG, J.

DATE : 27 JANUARY 2022

P.C.

. By this Application, the Applicant is seeking anticipatory bail in connection with the investigation of Crime No.344 of 2021 registered with Sinhgad Road Police Station, Pune under Section 420, 409, 467, 471 and 506 read with Section 34 of the Indian Penal Code and Section 3, 4, 5, 10, 11 and 13 of the Maharashtra Ownership of Flat Act.

2. I have heard the learned counsel for the parties.

3. The Applicant happens to be the wife of the original accused No.1. The Accused No.1 along with two other co-accused are the partners of *Shivshambho Developers* which had

floated a flat system in which there are about 45 flat purchasers who had booked the flats and paid the consideration in the year 2015.

4. The prosecution case as disclosed from the complaint lodged by Santosh Ramchandra Salvi, is that, still the building is not complete and the possession of the flats duly completed has not been handed over to the purchasers. Indisputably accused Nos.1 to 3 who are the partners in Shivshambho Developers have been arrested. It is pointed out that accused Nos.2 and 3 Sambhaji Baban Nivgune and Popat Gulabrao Nivgune have been released on bail. The husband of the Applicant who is the accused No.1 is still stated to be in custody. Indisputably, the investigation is complete and the charge-sheet is filed.

5. The Applicant was granted interim protection on 6 October 2021.

6. The only allegation against the present Applicant is that on 16 March 2020 there was a Memorandum of Understanding (MoU) executed between the flat purchasers and Shivshambho Developers agreeing to deliver possession on which the Applicant is one of the signatories. However, it is not disputed that the Applicant is neither the partner of Shivshambho

Developer nor it is pointed out at this stage that any amount of consideration was received by her.

7. In such circumstances, the application is disposed of by making the order dated 6 October 2021 absolute. The Applicant shall attend the concerned Police Station as and when required by the Investigating Officer and shall co-operate with the Investigating Agency.

In the event of breach, liberty to the prosecution to apply for cancellation.

C.V. BHADANG, J.