

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

CRIMINAL BAIL APPLICATION NO. 3812 OF 2021

Yuvraj Dattatraya Bankapure & Anr. ..Applicants
Vs.
The State of Maharashtra ..Respondent

Mr. Viresh V. Purwant a/w. Mr. Rushikesh Kale, for the Applicants.
Mr. S. R. Agarkar, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 2 MARCH 2022**

MAMTA
AMAR
KALE

Digitally signed
by MAMTA
AMAR KALE
Date:
2022.03.03
17:31:39
+0530

P.C.

. By this Application, the Applicants are seeking bail. The Applicants have been chargesheeted in R.C.C. No.964/2021 before the learned Judicial Magistrate, First Class at Solapur, arising out of Crime No.102/2021 of Police Station Jodbhavi Peth, District Solapur, under Section 420, 417 and 406 r/w. 34 of IPC.

2. The aforesaid crime is registered on the basis of the complaint lodged by Pramila Dhanaji Bhuse on 8 March 2021 claiming that she had booked a tenement in accordance with the advertisement issued by Bhavani Builders and Developers of the Applicants. She had paid initial advance. However, the

construction was not made and the tenement was never delivered.

3. I have heard the learned counsel for the parties. Perused record.

4. It appears that there were three flats / tenements purchasers from whom the Applicants had received certain amount. Indisputedly, as per the letter dated 9 December 2021 produced by the learned APP, across the bar (marked 'X' for identification), the amount accepted by the Applicants has been refunded to the prospective purchasers.

5. The learned counsel for the Applicants states that on account of certain difficulty, the construction could not be effected and the owners of the land have been granted anticipatory bail by the learned Sessions Judge. The investigation in this crime is complete and the chargesheet is filed. The Applicants were arrested on 23 July 2021 and are in jail since then. The offences are triable by a Magistrate.

6. In such circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant No.1 Yuvraj Dattatraya Bankapure and Applicant No.2 Vaibhav Jayprakash Hiremath, be released on bail in Crime No.102/2021 of Police Station Jodbhavi

Peth, District Solapur, on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.

(iii) The Applicants shall undertake to remain present before the learned Magistrate during the course of trial, unless exempted.

(iv) The Applicants shall not directly or indirectly make any attempt to contact, threaten or influence the victim or any other prosecution witnesses and shall not otherwise tamper with the prosecution evidence.

C.V. BHADANG, J.