

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

ANTICIPATORY BAIL APPLICATION NO.2639 OF 2021

Chandrakant Antu alias Ananta Raykar	..Applicant
Versus	
State of Maharashtra	..Respondent

Mr. Satyavrat Joshi i/by Sachin Zalte, for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent/State.
Mr. Niketan Nimbalkar, PSI, Sinhgad Police Station –present

CORAM : NITIN W. SAMBRE, J.

DATED : 23rd September, 2022

P.C.:

1. The oral explanation tendered by learned APP on behalf of the Dy. Commissioner of Police, Pune, Sinhgad Police Station thereby explaining the failure of the Investigating Officer to attend the proceedings on the last date is accepted.
2. The applicant is seeking pre-arrest bail in crime no. 344 of 2021 registered with Sinhgad police station for the offence punishable under sections 420, 409, 467, 471, 506 r/w. 34 of IPC and sections 3, 4, 5, 10, 11 r/w. 13 of Maharashtra Flat Ownership Act.
3. The case of the prosecution is, applicant/accused no. 5 entered into a development agreement in the capacity of land

owner on 20/06/2015 with the co-accused.

4. It is the claim that the developer has received an amount of Rs.1.96 Crs as against the promise to deliver the developed property i.e. flats and independent bungalows. The developer has neither completed the development nor delivered the property so also failed to return the amount. As such, the offence in question.

5. The role attributed to the applicant in the aforesaid offence is, in the capacity of the land owner the applicant has created impediment in the smooth implementation of the development of project.

6. I have perused the investigation papers and heard learned APP.

7. The investigation in the matter is informed to be complete.

8. As far as the role played by the applicant is concerned, it is not demonstrated from the records that the applicant has received any booking amount from the prospective buyers and has promised delivery of developed property.

9. It is the fact that under the development agreement the applicant is entitled for 40% of the developed property, which the applicant is yet to receive from the co-accused.

10. In this background, it cannot be said that the applicant is

allegedly involved in the commission of the offence.

11. In that view of the matter, a case for grant of ad-interim protection is made out.

12. In the event of arrest of applicant in crime no. 344 of 2021 registered with Sinhgad police station for the offence punishable under sections 420, 409, 467, 471, 506 r/w. 34 of IPC and sections 3, 4, 5, 10, 11 r/w. 13 of Maharashtra Flat Ownership Act. applicant be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

13. The applicant shall attend the Investigating Officer as and when directed.

14. The applicant shall neither tamper with evidence nor influence the witnesses in any way.

15. The application stands disposed of.

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(NITIN W. SAMBRE, J.)