

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2873 of 2022

Nuruddin Kasam Maknojia .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Piyush Toshniwal with Aashish Toshniwal and Aashish Satpute i/b Amit Ichan for the applicant.
Ms.Ridhima Mangaonkar for the intervenor.
Mr.S.V.Gavand, APP for the State.
API Nilesh Patil from Amboli police station.

CORAM: BHARATI DANGRE, J.
DATED : 14th OCTOBER, 2022

P.C:-

1 The learned counsel for the applicant has invited my attention to an order passed on 30/9/2022 in case of two Directors of Maridian Realtors Pvt.Ltd.

 The accusation faced by the accused in C.R.No.805/2022 is to the effect that the complainant invested his money in 7 flats to be constructed by the said firm, and despite the entire consideration being paid, the possession was not delivered. Another accusation was in respect of flat no.1702 and 1703 and it was alleged that there was no commencement

certificate issued in respect of the said flats. When the co-accused approached this Court, it was noticed that as far as 7 flats are concerned, the issue was already pending before the MAHA RERE, and therefore, the grievance need not be looked into by the police machinery. As far as the amount of Rs.90 lakhs as against flat no.604 is concerned, the applicants before this Court, gave an undertaking to deposit the said amount. The affidavit to that effect was also filed where the two applicants undertook to deposit sum of Rs.90 lakhs in the timeline mentioned in the said affidavit, without prejudice to their rights and contentions.

2 Hence, the two applicants were admitted to protection.

3 Heard learned counsel for the complainant who do not dispute and she is satisfied with the undertaking that is given, since she is going to be refunded a sum of Rs.90 lakhs.

In the wake of the above, since the applicant is alleged to be the third Director, the learned counsel for the applicant who specifically submit that he is an erstwhile Director who has retired on 11/6/2019. In any case, since the complainant is satisfied with the arrangement that is worked out with the said Company through the two Directors, the learned APP, on instructions of the Investigating Officer, make a statement that the custodial interrogation of the applicant is not warranted. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant - Nuruddin Kasam Maknojia in connection of C.R.No.805/2022 registered with Amboli police station shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or more sureties of the like amount.
- (b) 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.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.

4. The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)