

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

**VAISHALI
ANIL
TIKAM**

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ANTICIPATORY BAIL APPLICATION No. 3129 OF 2021

Vinayak Laxman Kharat

...Applicant

Vs.

State of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION No. 170 OF 2022
IN
ANTICIPATORY BAIL APPLICATION No. 3129 OF 2021**

Vaibhav Krishna Kadam

...Applicant

Vs.

State of Maharashtra and Anr.

...Respondents

.....

Mr. Sachin K. Hande for the Applicant

Mr. P.H. Gaikwad, APP for the State/Respondent

Mr. Vaibhav R. Gaikwad, for Intervenor

**CORAM: SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2022
(Through Video
Conferencing)**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. I-215 of 2021 dated 27th November, 2021, registered at C.B.D. Belapur Police Station, under section 420, 403 and 406 of the Indian Penal Code. This application is filed on 22nd December,

2021. It is mentioned in the order recorded by the previous Bench [Coram: Nitin W. Sambre, J.] dated 23rd December, 2021, that the learned counsel for the Applicant had submitted that the Applicant would be depositing Rs. 10 lakhs and the matter was adjourned to 4th January, 2022. Till 4th January, 2022, nothing was deposited in this Court. The matter was adjourned for today. Even today, nothing was deposited in this Court. Therefore, I am proceeding to decide the matter on merits.

2. Heard Mr. Sachin Hande, learned counsel for the Applicant and Mr. P.H. Gaikwad, learned APP for the State/Respondent and Shri Gaikwad for the Intervenor.

3. The FIR is lodged by one Vaibhav Kadam. He has stated that he was working as Tax Inspector. In respect of purchase of a house, he came in contact with the Applicant - Vinayak Laxman Kharat, an Estate Agent. The applicant had shown him a flat of Omkesh Dilip Gatte being Flat No. 1402, D Wing, Silver Kest, Flat No.29,

Sector No.25, Kamothe, Navi Mumbai. As the informant showed interest in the said house, the price was fixed at Rs.85,00,000/-. The FIR mentions that the Applicant had contacted the informant and had taken Rs.4,50,000/- for registration and stamp duty. Further, the Applicant told the informant that out of Rs.15,00,000/-, which was to be paid to the house owner Gatte, Rs.10,00,000/- should be given in the account of the Applicant so that he would pay the cash amount to the owner Mr. Gatte. On the belief that the said amount of Rs.10,00,000/- would be paid to the house owner Gatte, the informant had deposited the same in the account of the Applicant. The FIR further mentions that thereafter when the informant asked about the stamp duty and registration, the Applicant had started giving evasive answers. The informant also asked about the amount which was to be given to the flat owner. As the applicant had not given the said amount to the owner, the informant insisted on returning the said amount. The Applicant returned Rs.4,50,000/-. But he

did not return Rs.10,00,000/- . On this basis, the FIR is lodged.

4. Learned counsel for the Applicant did not make any submission except stating that the settlement talks are going on. He did not explain as to why the statement made before this Court earlier, was not honoured.

5. Learned APP for the State opposed this application on the basis of the averments made in the FIR.

6. I have considered these submissions. The FIR clearly indicates as to how the Applicant had taken Rs.10,00,000/- from the informant and had not returned it. The statement made before this Court is also not honoured. The application is unnecessarily pending.

7. Hence, no case is made out for grant of anticipatory bail. Application is rejected.

8. In view of the disposal of this anticipatory bail application, nothing survives in the interim application

filed for intervention. The interim application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)