

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 37 OF 2023

Vijay Abasaheb Ghorpade

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Avinash B. Avhad for the Applicant.

Ms. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 25.04.2023

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure (Cr.P.C.) for bail.
2. The applicant came to be arrested in Crime No. 282 of 2017 registered at Khadak Police Station, Pune City, for the offences punishable under Sections 406, 420, 467, 468, 471 read with 34 of the Indian Penal Code (IPC).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to the prosecution, the present applicant and other co-accused were going to get Transferable Development Rights (TDR) as the plot of land owned by them was reserved in the development plan for the purpose of road. It is alleged that the applicant and other co-accused agreed to sell the said TDR to

the complainant and accepted Rs.1 Crore towards earnest amount. It is alleged that the applicant and other co-accused instead of honouring the said agreement or returning the amount as per agreement had availed the loan by mortgaging the said plot.

5. *Prima facie*, the dispute appears to be of civil nature. The applicant is in jail for about eleven months. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 282 of 2017 registered at Khadak Police Station, Pune City, for the offences punishable under Sections 406, 420, 467, 468, 471 read with 34 of the IPC, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]