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

ANTICIPATORY BAIL APPLICATION NO.149/2023

SHASHIKANT RAGHUNATH CHOUDHARI
AND ORS.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sanjeev Kadam i/b. Adv. Sidheshwar N. Biradar for the
applicants.

Mr. S. V. Gavand, APP for State.

Adv. Mohd. Umar Kazi a/w. Adv. Abdul Wahab for intervener.
API Anil Siddhappa Gaikwad, Khadkpada Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 2023.

P.C. :

- 1.** Heard learned counsel for the applicants and learned
APP for the State.
- 2.** This is an application for pre-arrest bail in respect of
First Information Report (FIR) No.520/2022 registered with
Khadakpada Police Station, Kalyan, for the offence
punishable under Sections 465, 467, 468 read with 34 of the
Indian Penal Code, 1860 (hereafter 'IPC' for short).
- 3.** The applicants are the developers. The first informant
is the erstwhile developer. Pursuant to the agreement

entered between erstwhile developer, the present applicants and the owner of the property, the development rights were handed over to the present applicants as the developers. The applicants proceeded with the development. It is alleged by the first informant that the applicant have uploaded false information of construction of 17 floors which was without permission on the website of MAHARERA. This was in the year 2018. Subsequent thereto, an application was made for regularization of the building and it was granted on May 27, 2022. In this view of the matter, it now cannot be said that the structure in question is unauthorized.

4. Having regard to the nature of the accusations, the custodial interrogation of the applicants is not necessary. Hence the following order.

ORDER

(a) In the event of arrest of the applicants- Shashikant Raghunath Choudhari, Jayshree Shashikant Choudhari, Kapil Punjalal Patel and Janak Punjalal Patel in connection with FIR No.520/2022 registered with Khadakpada Police Station, Kalyan, the applicants shall

be released on bail on their furnishing P. R. bonds in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(b) The applicants shall report to the concerned police station on 21st and 22nd January, 2023, between 11.00 a.m. and 2.00 p.m. and thereafter, as and when called.

(c) The applicants to co-operate with the investigating officer.

(d) The applicants shall furnish the details of their residential addresses and phone numbers to the investigating officer.

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

5. The application is disposed of.

(M. S. KARNIK, J.)