

Ramesh Gulab Chaudhary	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

CORAM : N.R. BORKAR, J.
DATED : 25 JANUARY 2023

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 87 of 2017 registered at Khandeshwar Police Station, for the offences punishable under Section 420, 409 r/w. 34 of Indian Penal Code, Sections 4(1), 13(1) of the Maharashtra Ownership of Flats Act, 1963 and Sections 8, 9, 49 of the Maharashtra Housing Regulation Development Act, 2012.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, the present applicant and other co-accused who are Directors of Tirupati Balaji Builders and Developers Pvt. Ltd. Company cheated the victim/flat purchasers to the tune of

Rs.23,07,400/-. It is alleged that land on which the building was to be constructed was not owned by the Company so also no requisite permission to construct the building were obtained. It is alleged that inspite of it the victims were induced to book the flats in the non-existing project.

5. The learned Counsel for the applicant submits that the co-accused No.1 – Mahendra Sing has accepted the liability of the amount in question. The learned APP has not disputed the said fact.

6. Apart from above, it appears that the prosecution has already filed the charge-sheet against the present applicant and other co-accused. Considering the overall facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Ramesh Gulab Chaudhary in Crime No. 87 of 2017 registered at Khandeshwar Police Station, for the offences punishable under Section 420, 409 r/w. 34 of Indian Penal Code, Sections 4(1), 13(1) of the Maharashtra Ownership of Flats Act, 1963 and Sections 8, 9, 49 of the Maharashtra Housing Regulation Development Act, 2012, he shall be released on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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