

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2023.01.31
19:58:00 +0530

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

BAIL APPLICATION NO.683 OF 2022

Saurabh Rajesh Singh ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Sundeep Singh, for the Applicant.
Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. I-594 of 2021 dated 05/05/2021 registered with Tulinj Police Station for the offence punishable under sections 420, 406 of the Indian Penal Code, 1860 and sections 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.
- 3.** The FIR is registered on 05/05/2021. The dispute is

regarding handing over the flat booked to the informant/other complainant. The applicant and land owner had executed a development agreement on 10/07/2013. As it is the allegation of the informant that the applicant did not give him possession of the premises nor refunded money paid by him, aforesaid offences came to be registered. The applicant was arrested on 05/05/2021. The charge-sheet has been filed and the investigation is complete. The applicant has filed an affidavit-cum-undertaking dated 23/01/2023. In the said affidavit, clauses 3 to 9 read thus:

"3. I say that, the allegation that, I have taken total sum of Rs. 79,71,000/- (Rs. Seventy Nine Lakh Seventy One Thousand only) from witnesses/owners against booking of Room/Flat; but I didn't not give possession of Room/flat to those customers. Thereby, I have committed cheating with the customers; thus the present FIR registered against me at Tulinj Police Station.

4. I say that, I have constructed building as per the agreement with land owner Mr. Kumar Anand Padekar; and given possession of to the eligible owners and remaining flats are in possession of land owner Mr. Kumar Anand Padekar.

5. I say that, one Aparna Anil Rahirashi got possession of the flat/room premises; she is one of the witnesses/owner of Flat No. 310, Sakshi Apartment, Nallasopara (E), Taluka- Vasai, District- Palghar.

6. I say that, just to show my bonafide intention, I am ready to either to deposit sum of Rs.10,00,000/- (Rs. Ten Lakh only) before the Ld. Trial Court within two months from the date of release.

7. I say that, Rs.12,00,000/- is refundable deposit is lying with land owner Mr. Kumar Anand Padekar and I am willingly given my consent to the investigating officer to seize that amount from land owner Mr. Kumar Anand Padekar.

8. I say that, the possession of flat No. 403 & 406 is with me and the same are free from any encumbrances. I am ready and willing to hand it over to the eligible investors/customers.

9. I say that, I shall handover possession of the flats to the eligible flat owners/buyers as all the flats mentioned by the witnesses/owners are vacant; subject to the dues on said particulars flats are to be cleared by witnesses/owners. OR I shall pay/refund the amount paid by witnesses/owners to purchase the said flat within 6-8 months from the date of releasing from Jail."

4. There are no criminal antecedents recorded against the applicant. The trial is likely to take long time to conclude. Considering that the applicant is in the custody for more than 2 ½ years with no possibility of trial commencing and concluding any time soon, also the fact that the applicant has willingly filed an affidavit-cum-undertaking, the applicant can be enlarged on bail. Learned counsel for the applicant on instructions submits that the applicant will abide by the affidavit-cum-undertaking.

Statement is accepted as an undertaking to this Court.

Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant–Saurabh Rajesh Singh in connection with C.R. No. I-594 of 2021 dated 05/05/2021 registered with Tulinj Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(c) 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. The applicant should not tamper with evidence.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(e) The applicant shall report to the investigating officer once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

(f) The applicant to abide by the affidavit-cum-undertaking referred to above.

5. The application is disposed of.

(M. S. KARNIK, J.)