

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

**ANTICIPATORY BAIL APPLICATION NO. 623 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 4643 OF 2023**

Ashish Virendra Mehta

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Abad Ponda, Sr. Adv. a/w. Mr. Kiran Jain, Mr. Ish Jain, Mr. Duj Jain i/b. Kiran Jain & Co. for the Applicant.

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

Mr. Sahahbaz Pathan a/w. Mr. Mukesh Rajpopat for the Intervenor.

**WITH
ANTICIPATORY BAIL APPLICATION NO. 628 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 4646 OF 2023**

Pranav Virendra Mehta

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Abhijeet Desai a/w. Karan Gajra , Adv. Sanchita Sortakke i/b. Desai legal for the Applicant.

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

Mr. Sahahbaz Pathan a/w. Mr. Mukesh Rajpopat for the Intervenor.

**WITH
ANTICIPATORY BAIL APPLICATION NO. 633 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 4645 OF 2023**

Virendra Navratanmal Mehta

..Applicant

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v/s.

The State of Maharashtra .

..Respondents

Mr. Satyavrat Joshi a/w. Mr. Kiran Jain, Mr. Ish Jain, Mr. Duj Jain i/b. Kiran Jain & Co. for the Applicant.

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

Mr. Sahahbaz Pathan a/w. Mr. Mukesh Rajpopat for the Intervenor.

CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 8th MARCH, 2023.

P.C.

1. These applications are filed under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No. 1174 of 2022 registered at Dindoshi Police Station for offences under Section 405, 406, 415, 418, 420 r/w. 34 of IPC.

2. Heard Sr. Counsel Mr. Ponda, Mr. Desai and Mr. Satyavrat Joshi for the Applicants in respective applications, Mr. Gavand, learned APP for the State and Mr. Pathan for the Intervener. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid MECR is registered pursuant to the Order passed by the learned Magistrate under Section 156(3) of Cr.P.C. on an application filed by Jayantilal Shah. The case of the Complainant is that he had three flats in a building Manira Manzil, Malad. The landlord conveyed

the said property to M/s. Navkar Leasing and Infrastructure . The Applicants Ashish and Pranav were admitted as partners of the said firm and thereafter the name of the firm was changed to M/s. Nine Globe Builders. The Applicants decided to construct a new building under the name “Hazel Homes” in the place of the existing structure. The firm entered into agreements with the Complainant and other occupants for permanent alternative accommodation. The said construction was to be completed within 30 months with additional grace period of 12 months. The Complainant claims that he had paid Rs.1,41,00,000/- towards price of the flat. The grievance of the Complainant is that the flat allotted to him was not shown in the approved plan. The Complainant has alleged that the Applicants have failed to pay rent towards transit accommodation. It is alleged that the Applicants have cheated several other purchasers by entering into agreements in respect of non-existing flats. The other purchasers including tenant Hiten Shah have also lodged complaints against the Applicants. Furthermore, the Complainant has also filed a Civil Suit for specific performance and compensation in lieu of temporary accommodation charges.

4. The records reveal that the Honourable Supreme Court had granted bail to the Applicants in Crime No. 201 of 2021 on similar set of allegation. Furthermore, This Court by order dated 21st March, 2021 has also released the Applicants on bail in Crime No. 56 of 2020. The

records reveal that Complainant Jayantilal Shah is also a witness in Crime No. 56 of 2020 and his statement has been recorded in the said crime. It is on record that the Complainant in Crime No. 201 of 2021 had filed an application before the Honourable Supreme Court for cancellation of bail, which came to be dismissed on 5th August, 2022. Subsequent to the dismissal of the said application, these two Crime No.889 of 2022, as well as 1174 of 2022 have been registered pursuant to the order passed by the learned Magistrate under Section 156(3) of Cr.P.C.

5. The records prima facie indicate that several flat purchasers have made allegations against Applicant Ashish Mehta for having cheated them. Separate crimes have been registered at the behest of the purchasers as well as the tenants who had agreed to purchase the flats in the same project on similar set of allegations. The Applicants have been granted bail in Crime No.56 of 2020 and 201 of 2021, and that they are on interim bail in Crime No. 889 of 2022 pending before the learned Sessions Court, Dindoshi.

6. Considering these facts and circumstances, and also considering the statement made by learned Sr. Counsel Shri Ponda, on instructions of Mr. Kiran Jain, who is present before the Court, that without prejudice to the rights and contentions of the parties that the Applicant Ashish Mehta

will be depositing an amount of Rs.71 Lakhs before this Court within three months, in my considered view, this is a fit case for grant of pre-arrest bail.

7. As regards Applicant Virendra, he is father of Applicants Ashish and Pranav Mehta. There is no prima facie material on record to indicate that he was in any manner involved in the construction of the project. Similarly, records reveal that the Applicant Pranav Mehta had also retired from the partnership firm on 14th February, 2019. Even otherwise, he has been granted bail in Crime No. 56 of 2020, wherein as stated earlier the Complainant herein is a witness. Suffice it to say that the object of bail is not punitive but to secure the appearance at trial. In the instant case the Applicants have already been interrogated in other crimes. There is no possibility of the Applicants absconding or thwarting the course of justice. In the light of the above, the Applications are allowed on the following terms and conditions :

- (i) In the event of arrest of the Applicants above named in Crime No. 1174 of 2022 registered at Dindoshi Police Station, the Applicants be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicants shall report to the Investigating Officer for four

days from 13th March, 2023 between 11.00 a.m. to 2.00 p.m., and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.

(iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The Applicants shall not interfere with the complainant and the other witnesses in any manner.

. Applications are disposed of.

. Interim Applications stand disposed in view of disposal of Anticipatory Bail Applications.

(ANUJA PRABHUDESSAI, J.)