

AGK

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

ANTICIPATORY BAIL APPLICATION NO.669 OF 2023

ATUL
GANESH
KULKARNI

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Date: 2023.08.19
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Sharad Vasudev Khandve & Ors.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Samay Pawar i/by Mr. Nitesh J. Mohite for the applicants.

Mr. P.H. Gaikwad, APP for respondent No.1/State.

Mr. Rushikesh Kale for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 19, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.21 of 2023 registered with Vimantal Police Station, Pune for offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, the applicants are alleged to be promoters/builders of Row House Scheme under Sapphire Villa Project at Lohgaon. Informant has booked Row House No.13 in Sapphire Villa Project of applicants, on payment of total Rs.15 lakh by cheques/in cash out of sale consideration of Rs.26 lakh in the

month of February 2022. Applicants did not give the possession of said row house to him. Applicants have committed criminal breach of trust and cheated him. Accordingly, first information report came to be lodged and notice under Section 41-A of the Criminal Procedure Code, 1973 has been issued against the applicants.

3. During pendency of the present anticipatory bail application, the applicants and the informant have resolved their disputes. Consent terms are filed before this Court on 3 May 2023. The anticipatory bail application was adjourned to enable parties to comply with the consent terms. Both the parties jointly state that consent terms are complied with.

4. In that view of the matter, I pass following order:

- a) The anticipatory bail application is allowed;
- a) In the event of arrest of the applicants in connection with C.R. No.21 of 2023 registered with Vimantal Police Station, Pune for offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860, they be released on bail on furnishing P.R. Bond in the amount of Rs.5,000/- each with one surety in the like amount;
- b) The applicants shall remain present before the investigating officer as and when called by the concerned investigating officer;
- c) The applicants shall cooperate with the investigation and make himself available for interrogation whenever

required;

5. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)