

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

ANTICIPATORY BAIL APPLICATION NO. 757 OF 2023

1) Parbat Ramji Patel
2) Hiren Parbat Patel Applicants
v/s.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.953 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 757 OF 2023**

Zakir Abdul Razzak Chunawala Intervenor

In the matter between :-

1) Parbat Ramji Patel
2) Hiren Parbat Patel Applicants
v/s.
The State of Maharashtra Respondent

Mr. Ashok Mishra a/w. Adv. Ameet Mehta, Ms. Kinjal Mehta
and Mr. Mayank Gandhi i/b. M/s. Solicis Lex for the Applicant.
Mr. S.V. Gavand, APP for the State.
Mr. Karan Mehta a/w. Mr. Harshad Joshi and Mr. Punit Vyas
for the Intervenor.
Mr. V.B. Desure, API, EOW, Mumbai, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th JUNE, 2023.

P. C. :-

. The Applicants apprehend their arrest in C.R.No.1048/2022
initially registered with Goregaon Police Station and presently

investigated by EOW-Housing, Unit I numbered as FIR No.153/2022 for offences punishable under sections 409, 420 r/w. 34 of the Indian Penal Code.

2. By order dated 13/03/2023, this Court had observed that the first informant had entered into Joint Venture Agreement with the co-accused on 18/03/2011 in respect of the development of the property. The first informant had alleged that he invested an amount of Rs.7 Crores. The first informant had subsequently terminated the agreement. The Society too had cancelled the agreement of the co-accused vide Deed of Cancellation dated 15/06/2018 and had appointed the Applicants herein as Developers.

3. This Court had taken note of the fact that there was no privity of contract between the first informant and the Applicants herein. This Court had also taken note that the Commercial Suit (L) No.2774 of 2021 was filed by Marvin Construction of which the co-accused (A1) is a partner, against the Applicants and the Society to restrain them from acting upon Deed of Cancellation. The Applicant No.1 who is the Defendant No.4 in the suit has made a statement to keep aside 7500 sq.ft area out in his affidavit.

4. Learned counsel for the Intervenor has stated that Marvin Construction had appointed the Applicants as Power of Attorney and that they had acted on behalf of Marvin Construction. He further states that the Applicants have misused several documents and in collusion with Marvin Construction, cheated the first informant.

5. As noted above, the first informant had himself terminated the Development Agreement with Marvin Construction and that the Applicants had been appointed as Developers in their individual capacity. Learned APP also submits that pursuant to the order dated 13/03/2023, the Applicants have reported to the Investigating Officer and that they have been interrogated.

6. Considering the above facts and circumstances, no grounds are made out for custodial interrogation. The Applicants are the permanent residents of the State and there are no chances of the Applicants absconding or thwarting the course of justice. Hence, this is a fit case to exercise discretion under section 438 of Cr.P.C. In view of the above, interim relief granted by order dated 13/03/2023, stands confirmed. The Applicants shall report to the Investigating Officer as

and when required. The Applicants shall not leave the Country without prior permission of the trial court.

7. Application along with Interim Application stand disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)