

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

**ANTICIPATORY BAIL APPLICATION NO. 1252 OF 2023
WITH
INTERIM APPLICATION NO. 2279 OF 2023**

Hemant Raghunath Mali

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Milan Desai i/b. Mr. T.R.Patel for the Applicant.

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

P.I. Kiran Surse from M.H.B. Colony P. Stn.

Interim Application is not on Board. Upon mentioning , taken on Board.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 26th JUNE, 2023.

P.C.

1. The Applicant apprehends arrest in C.R.No.1029 of 2022 registered with M.H.B. Colony Police Station for offences under Section 420, 406 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. A perusal of the FIR prima facie reveals that in the year 2018, the first informant had entered into an agreement with the Applicant to purchase One BHK flat in Shree Ganesh Aaradhya Apartment, Dahisar

for sale consideration of Rs.40 lakhs. It is alleged that the first informant had paid the entire sale consideration and that the Applicant had issued letter of Allotment in her favour. The grievance of the first informant is that despite receipt of the sale consideration, the Applicant did not hand over the possession of the flat. Hence the FIR.

4. The records prima facie reveal that there is matrimonial dispute between the first informant and her husband. The husband of the first informant had issued notice to the Applicant, not to hand over the possession of the premises to the first informant. Learned Counsel for the Applicant further states that the matrimonial dispute proceedings are also pending before the Family Court and that the Family Court has passed status quo order in respect of the flat which was agreed to be sold to the first informant. Learned Counsel for the Applicant states that the Applicant is ready to hand over possession of the premises, provided he is not dragged into any litigation between the first informant and her husband.

5. Considering the nature of the accusations, this Court by order dated 27th April, 2023 had granted interim protection to the Applicant. It is stated that pursuant to the said order, the Applicant has reported to the Investigating Officer and he has been interrogated. The records do not prima facie indicate that the Applicant had any dishonest intention to

cheat the first informant. Considering the above facts and circumstances, interim relief granted by order dated 27th April, 2023 stands confirmed.

6. Anticipatory Bail Application as well as Interim Application stand disposed of.

(ANUJA PRABHUDESSAI, J.)