

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

ANTICIPATORY BAIL APPLICATION NO. 1381 OF 2023

Pravin Bajrang Nalavade

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Milan Desai i/b. Ashwin Desai for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

API Sohan Kadam from Kandivali Police Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 26th JUNE, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 541 of 2018 registered with Kandivali Police Station for offences under Section 406 and 420 of the Indian Penal Code, and Sections 4, 8 and 12 of The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

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. The aforesaid crime was registered pursuant to the FIR lodged by

Smt. Jyoti Mohandas Pai. The facts narrated in the FIR prima facie reveal that the first informant wanted to purchase a flat in Sankat Co-operative Housing Society. She had entered into a transaction with the co-accused Hemant Sharma in respect of the said flat for total consideration of Rs.41,60,000/-. It is alleged that the first informant had paid an amount of Rs.24,60,000/- to said Hemant Sharma and an amount of Rs.3,00,000/- to the society of which the Applicant was the Secretary. However, the transaction was cancelled. It is the grievance of the first informant that the vendor Mr. Heman Sharma has not returned the sale consideration. It is also alleged that the society has not refunded the amount of Rs.3,00,000/-.

4. There are no specific allegations against this Applicant. The Applicant is only roped in because he was the Secretary of the society at the relevant time. Considering the facts and circumstances, the Applicant was granted interim bail by order dated 17th May, 2023. Learned Counsel for the Applicant states that the Applicant has reported to the Investigating Officer. It is also to be noted that chargesheet has already been filed. The Applicant has been shown as absconding accused, even though he was already interrogated and that his statement was recorded on 25.12.2019. No justifiable reasons are given to show as to why the Applicants are shown as absconding accused.

5. Having considered the material on record, in my considered view, this is a fit case to exercise discretion under Section 438 Cr.P.C. Hence the interim relief granted to the Applicant by order dated 17th May, 2023 stands confirmed.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)