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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1528 OF 2023**

Mohammad Chand Hanif Shaikh ...Applicant
vs.
The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO.2626 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1528 OF 2023**

Manoj Shah ...Applicant
vs.
The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO.2619 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1528 OF 2023**

Yahiya Hashmi ...Applicant
vs.
The State of Maharashtra ...Respondent

Ms. Kusum Pandey with Ms. Pragati Mishra for the Applicant in
ABA No.1528/2023.
Mr. S. R. Agarkar APP for the Respondent - State.
Mr. Avadhut P. Bidaye for Respondent No.2-intervenors.
Mr. Mudaliyar, PI, EOW, Mira Bhayander Vasai Virar police
commissionerate.

CORAM : S. M. MODAK, J.

DATED : 31ST JULY 2023

P.C. :

1. Heard learned Advocate for the Applicant, learned Advocate for the first informant and learned APP for the Respondent-State. The Investigating Officer is present.

2. The present Applicant in Anticipatory Bail Application No.1528 of 2023, is the owner of one “Dreams Nirman” building. He is builder and developer. Whereas Accused Nos.2 to 5 are the partners of M/s.Prathavi Developers, who are Estate agents. The present Applicant has agreed to construct building at Sai Nagar, Nallasopara (West). The first informant is the flat purchaser. Apart from the first informant, there are also other flat purchasers. The list is annexed to Annexure “A” to the Consent Terms filed today. The same are taken on record and marked as Annexure “X”. There are 42 flat purchasers. Their grievances are different. Some of them were put into possession, whereas some work still remain to be completed. Some of the flat purchasers were not having registered agreement with them.

3. So the FIR came to be lodged with Nallasopara police station on 12th March 2020, and it is registered under Section

420 read with 34 of IPC and under Sections 3, 4 and 13 of Maharashtra Ownership of Flats Act and later on, Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act came to be added.

4. Now, the first informant and the Applicant have settled the dispute and both of them have entered into the consent terms. In future how the Applicant is going to fulfill his obligation is mentioned in those consent terms. Though apart from the first informant there are also other flat purchasers, in the consent terms, the Applicant has also stated as to how he is going to complete the work, as to how he will be registering the agreement on fulfillment of the certain terms. So, this consent terms even though signed by the first informant and the Applicant, it deals with grievance of other flat purchasers also. Considering this, no purpose will be served by rejecting the Anticipatory Bail Application of the Applicant. Hence, the following order is passed :

ORDER

- (a) In the event of arrest, the Applicant-Mohammad Chand Hanif Shaikh be released on bail in connection with C.R.

No.I-104 of 2020, registered with Nallasopara police station for the offences punishable under Sections 420 read with 34 of IPC, under Sections 3, 4 and 13 of Maharashtra Ownership of Flats Act and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act on furnishing personal bond and surety bond of Rs.25,000/-.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant shall give attendance to the Nallasopara police station on 7th August 2023, 14th August 2023 and 21st August 2023 from 3 pm to 5 pm and thereafter as and when called by the police.
- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.

5. Application is disposed of accordingly. Consequently, Interim Application Nos.2626 of 2023 and 2619 of 2023 are also disposed of.

6. These are my *prima facie* observations and the trial Court may not be influenced by that.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]