

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

ANTICIPATORY BAIL APPLICATION NO.68 OF 2024

Pronit Prem Nath & Anr.	Applicant
Versus	
State of Maharashtra	 Respondent

Mr. Ashwin Thool, Advocate a/w. Archismati Chandramore
for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

Mr. Prerak Choudhary, Advocate for the first informant.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.573/2023 registered with Andheri Police Station, Mumbai on 21.11.2023 under Sections 409, 420 read with 120-B of IPC.

2. Heard Shri Ashwin Thool, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by one Samir Kochar. The gist of the FIR is that he has paid Rs.58,50,000/- for purchase of the third floor on the property which was to be developed by the Applicants. In spite of accepting the money the property was not given and, therefore, this FIR is lodged. The FIR also mentions some transactions wherein another flat purchaser Bangera has lost his money.

4. Learned counsel for the Applicants submitted that at the highest it is a civil dispute for breach of contract. The first informant has already filed a suit for specific performance. Therefore, there is no criminality attached to it.

5. Advocate Mr. Prerak Choudhary appears and states that he has instructions to appear for the first informant as intervenor. He seeks time to file intervention application. He submitted that he was heard when the anticipatory bail application of the Applicants was decided by the Court of Session.

6. Considering these submissions, learned counsel for the Applicants is directed to implead the first informant as a party Respondent. Amendment shall be carried out forthwith.

7. Considering the submissions advanced on behalf of the Applicants today, till the next date, the Applicants can be protected by way of ad-interim relief. Hence, the following order:

ORDER

- (i) Issue notice to the added Respondent, returnable on 15.2.2024. Learned counsel Mr. Prerak Choudhary waives service of notice on the Respondent No.2.
- (ii) The added Respondent is at liberty to file affidavit-in-reply. Said reply shall be filed within a period of four weeks from today, with a copy to other side.
- (iii) In the event of their arrest in connection with C.R.No.573/2023 registered with Andheri Police Station, Mumbai, till the next date, the Applicants be released on bail on their executing P.R. bonds in the

sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- (iv) This order shall operate till 15.2.2024.
- (v) Stand over to 15.2.2024.

(SARANG V. KOTWAL, J.)