

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

ANTICIPATORY BAIL APPLICATION NO.294 OF 2024

Bhupendra Chintaman Patil	Applicant
Versus	
State of Maharashtra	 Respondent

Ms Manvi Sharma, Advocate a/w. Saurabh D. Butala for the Applicant.

Smt. M.H. Mhatre, APP for the Respondent-State.

Mr. Pratik Deshmukh, Advocate i/b. Nandan Gavali for the Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.190/2022 registered with Khandeshwar Police Station, Navi Mumbai on 11.7.2022 under Sections 406 and 420 of IPC.

2. Heard Ms Manvi Sharma, learned counsel for the Applicant, Smt. M.H. Mhatre, learned APP for the

Respondent-State, and Mr. Pratik Deshmukh, learned counsel for the Intervenor.

3. The FIR is lodged by one Harshila Khandagale. She has stated that the Applicant was a Developer. He was known to the informant's husband. He approached the informant and her husband. He told them that he would give them a room at a concessional rate. He told them that he was having his project at Section-8, New Panvel and that he would give the possession of the 1000 sq. ft. room within thirty months. For that flat the informant paid Rs.10 Lakhs to the Applicant. An agreement was executed and notarized. However, the possession was not given within 30 months. Instead the Applicant told them that he would give them another flat for Rs.30 Lakhs at Uran. The informant accepted that proposal as well. She paid Rs.7,50,000/- through RTGS and Rs.2,50,000/- in cash. Thus, she paid the total amount of Rs.20 Lakhs but ultimately she was not given the flat and her money was misappropriated. On this allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant has already returned Rs.10 Lakhs and the balance amount is only Rs.10 Lakhs. Learned counsel for the Applicant submitted an affidavit affirmed by the Applicant wherein the schedule of payment is mentioned. The schedule indicates that the entire amount of Rs.10 Lakhs would be paid by 25.3.2024. The affidavit is taken on record.

5. Learned counsel appearing for the first informant states that the first informant is willing to accept that amount as per the schedule and in that case the informant would not have any objection for grant of relief to the Applicant.

6. Considering this situation, as of today, the Applicant can be protected by way of ad-interim relief to test his bonafides.

7. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.190/2022 registered with Khandeshwar Police Station, Navi Mumbai, till the next date, the Applicant be released on bail on his executing PR. bond/s in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) This order shall operate till 28.3.2024.
- (iii) Stand over to 28.3.2024.

(SARANG V. KOTWAL, J.)