

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

ANTICIPATORY BAIL APPLICATION NO. 312 OF 2024

Nikhil Bhanudas Shelar

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Induprakash Tripathi i/b. C.K.Tripathi for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 5 FEBRUARY 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 161 of 2023 registered at Kulgaon Police Station, Thane Rural, on 22.09.2023, under Sections 406, 420, 504 and 506 of the Indian Penal Code.

2. The F.I.R. is lodged by one Parshuram Yadav. Gist of the F.I.R. is that the applicant had promised him a room bearing Room No.201, at Nikhil Plaza, Vangani, Taluka Ambernath, District Thane. The informant had paid Rs.6,20,800/- but the applicant did not handover the possession of the room and, therefore, this F.I.R. was lodged.

3. Learned counsel for the applicant without prejudice to his rights and contentions submits that the room was booked for the total amount of Rs.11,49,000/-. The applicant is willing to handover the possession of the room to the informant, which is ready, if the informant pays the balance amount. He, therefore, submitted that, at the highest it is a civil dispute and there is no criminality involved.

4. Considering these submissions, it is necessary to seek response from the first informant. In the meantime, the applicant can be protected by an order of interim relief.

5. Hence, the following order.

ORDER

- i) Leave to amend is granted to add the first informant as a party respondent. The amendment shall be carried out within a week from today.
- ii) After the amendment is carried out, issue notice to the added Respondent, returnable on 20.03.2024.
- iii) In the event of his arrest in connection with

C.R.No. 161 of 2023 registered at Kulgaon Police Station, Thane Rural, till the next date, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- iv) This order shall operate till 20/03/2024.
- v) Stand over to 20/03/2024.

(SARANG V. KOTWAL, J.)