

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

ANTICIPATORY BAIL APPLICATION NO.368 OF 2024

Kishor Keshavji Shah

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Bhomesh Bellam, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.854/2023, dated 28/12/2023, registered with Kashimira Police Station, Mira Bhayandar, Vasai-Virar, under sections 406, 420 r/w 34 of the Indian Penal Code.
2. Heard Mr. Bhomesh Bellam, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The gist of the allegations is that in August 2019 the informant wanted to purchase a flat. Through a common friend they came in contact with the present Applicant, who was a builder. The Applicant was constructing a building by the name V. M. Heights. The Applicant represented to the informant that a flat on the 5th floor bearing flat No.501 was available. It was a 2 BHK flat. He told that if the informant paid Rs.39,80,000/- within one month, he would sell that flat at that price and the possession would be given within one year. The informant paid that amount through 5 cheques. After that the Applicant did not give the possession of the flat. The informant came to know that the Applicant had permission for construction upto 5 floors only. She realized that she was cheated. The Applicant made a show of settling the matter by issuing two cheques, but they were dishonoured. Thereafter this FIR is lodged.
4. Today the Investigating Officer is not present. Learned APP is seeking time.

5. Learned counsel for the Applicant makes a positive statement on instructions that the Applicant is desirous of settling the matter with the informant by refunding the amount with reasonable interest within a reasonable time. Strictly based on this statement, today I am protecting the Applicant by way of ad-interim relief.
6. Hence, the following order :

ORDER

- (i) Issue notice to the Respondent No.2 returnable on 01/03/2024.
- (ii) The Investigating Officer shall inform the Respondent No.2 about the pendency of this application and the next date of listing.
- (iii) In the event of his arrest in connection with C.R.No.854/2023, dated 28/12/2023, registered with Kashimira Police Station, Mira Bhayandar, Vasai-Virar, till the next date, the Applicant is

directed to be released on bail on his furnishing PR 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 01/03/2024.
- (v) The Applicant shall cooperate with the investigation in the meantime.
- (vi) Stand over to 01/03/2024.

(SARANG V. KOTWAL, J.)