

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

ANTICIPATORY BAIL APPLICATION NO.414 OF 2024

Vasudev Nago Patil

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Nehal Desale, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 13th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.32/2024, dated 15/01/2024, registered with Hill Line Police Station, Thane City, under sections 420 of the Indian Penal Code.
2. Heard Mr. Nehal Desale, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Rajendra Narpatmal Lodha. He was the Managing Director of M/s. Macrotech Developers Ltd. His contention is that the Applicant and others are joint owners of land at survey No.1/8, 1/9, 2/2 at village Asoda, Taluka Ambernath, District Thane, admeasuring 3800 sq. meters. The Applicant and other co-owners entered into a development agreement dated 05/04/2018. By that agreement, the informant's company was to develop that property and the owners were to be given Rs.1,30,000/- as well as the developed piece of land. The informant had spent atleast Rs.10 Crores in developing a special township. But the Applicant had not cooperated and has not transferred the land in the company's name. The Applicant had the piece of land admeasuring 520 sq. meters in his share. But he has not transferred that piece in the informant's company's name. Therefore, the project is not being completed causing heavy monetary loss to the informant's company's. On this basis, the FIR is lodged.
4. Learned counsel for the Applicant submitted that the

informant's company has filed a Special Civil Suit No.227 of 2023 against the Applicant and other co-owners for specific performance. In that suit there are allegations against the other co-owners as well, which is contrary to the stand taken in the FIR. He submitted that filing of the suit and the averments in the suit show that the dispute is strictly civil in nature. There is no criminal intention and no allegation for cheating and misappropriation.

5. Learned APP produced the investigation papers before me which include development agreement.
6. Considering the nature of allegations it would be advantageous if the first informant is heard in the matter. Therefore, learned counsel for the Applicant is directed to add the first informant as a party Respondent. Till the informant is heard, the Applicant can be protected by way of ad-interim relief.

7. Hence, the following order :

ORDER

- (i) Leave to amend, to add the first informant as the Party Respondent No.2.
- (ii) Issue notice to the added Respondent returnable on 27/03/2024.
- (iii) In the event of his arrest in connection with C.R.No.32/2024, dated 15/01/2024, registered with Hill Line Police Station, Thane City, 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) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (v) This order shall operate till 27/03/2024.
- (vi) Stand over to 27/03/2024.

(SARANG V. KOTWAL, J.)