

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

ANTICIPATORY BAIL APPLICATION NO.674 OF 2024

Mohd. Hanif Shaikh @

Mohd. Hanif Mohd. Yusuf Shaikh

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Deepak Thaker. i/b. Mr. Anand P. Pande, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th MARCH, 2024

P.C. :

1. This matter is placed for Speaking to the Minutes for correction in the operative part of the order dated 08/03/2024.
2. The Applicant was seeking anticipatory bail in connection with C.R.No.68/2024, dated 16/01/2024, registered with Vakola Police Station, Mumbai. The paragraph No.6 of the said order clearly mentions that the Applicant can be protected by way of ad-interim relief till the next date. However, in the operative part, the last line reads that the application stands disposed of accordingly.

3. It is a typographical error. The application was not disposed of, but ad-interim relief was granted. Learned counsel for the Applicant, learned APP as well as the Sheristedar of this Court informs that the next date was given as 17/04/2024. Therefore, in the operative part, clause No.3 shall be removed and the following two clauses be added.

“(iii) This order shall operate till 17/04/2024.

(iv) Stand over to 17/04/2024.”

4. The corrected order be uploaded and the matter be listed on 17/04/2024.

(SARANG V. KOTWAL, J.)

CORRECTED ORDER DATED 08/03/2024 -

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- Mr. Anand Pande a/w Deepak Thakur a/w Prashant Jain, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

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

P.C. :

5. The Applicant is seeking anticipatory bail in connection with C.R.No.68/2024, dated 16/01/2024, registered with Vakola Police Station, Mumbai, under sections 406, 420 of the Indian Penal Code.

6. Heard Mr. Anand Pande, learned counsel for the Applicant and Mr. Avinash A. Naik, learned APP for the State.

7. The FIR is lodged by one Sanjivani Mhaprolkar. She has stated that in 2016 she wanted to purchase a room. Therefore, she responded to an advertisement and met the Applicant. From 2017 to 2022 she had paid Rs.3,90,000/- as agreed, but in spite of that, the Applicant did not hand over possession of the room which she had booked.

8. The FIR mentions that 9 other persons who had paid different amounts on different occasions were also not given possession of their rooms.
9. Learned counsel for the Applicant submitted that rooms of all these persons are ready. Even the room of first informant is ready for possession and the Applicant is willing to hand over the possession to the first informant. As far as the other persons are concerned, they have not made full payment as per the agreements. If these persons make payment, he is willing to hand over possession to them also. He submitted that there is no offence made out and, if at all, there is any grievance, it is a civil dispute.
10. Considering this, the investigating agency will have to verify this statement by making enquiries with those persons mentioned in the FIR in respect of the statement made by the learned counsel for the Applicant in the Court today. In this view of the matter, the Applicant can be protected by way of ad-interim relief till the next date. The Applicant can be directed to attend the concerned police station as and when called.

11. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.68/2024, dated 16/01/2024, registered with Vakola Police Station, Mumbai, 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.
- (ii) The Applicant shall attend the concerned Police Station from 18/03/2024 to 21/03/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 17/04/2024.
- (iv) Stand over to 17/04/2024.

(SARANG V. KOTWAL, J.)