

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

ANTICIPATORY BAIL APPLICATION NO. 730 OF 2024

Mahendra Shivaji Gunjal	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Sanjeev Kumar Bapu Deore for Applicant.
Mr. Nitin B. Patil, APP for State/Respondent.
Mr. Mufeez Ansari i/b. Jayendra Khairnar for Intervenor.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 15 MARCH 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.518 of 2023 registered at Khadakpada Police Station, Thane city, on 22.11.2023, under Sections 420 and 406 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Sanjeev Kumar Deore, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State. Mr. Mufeez Ansari, learned counsel appears and states that he has instructions to appear for the first informant. He seeks adjournment to file intervention application. At his request, today I

am adjourning the matter. However, I have heard the parties for consideration of ad-interim relief.

3. The F.I.R. is lodged by one Uday Zambre. He was a resident and member of M/s. Jalaram Darshan Co-op. Housing Society, at village Gandhare, Taluka Kalyan, within the jurisdiction of the Kalyan Dombivli Municipal Corporation. Their building was consisting of ground floor plus two floors. The building was dilapidated and, therefore, the Corporation had declared it to be dangerous. The society decided to redevelop the property. For that purpose, the contract for redevelopment was given to M/s. Akruti Housing Partnership firm. The applicant was one of the partners of that firm. There are allegations that the developer had promised to pay the rent between Rs.7000/- to Rs.8500/- per month depending on the area of the original flats and it was to be enhanced by 10% after one year.

4. The gist of the F.I.R. is that, after January 2023, the developer had stopped paying the rent. He had not started the construction. The development agreement was entered into in

December 2021. Some members had paid an additional amount for additional built up area. Their money was lost. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the applicant himself had invested substantial amount; which can be demonstrated by the fact that the applicant had paid the rent to the members of the society for a period of one year. For which, he had spent more than Rs.1 crore. He had obtained necessary permissions and sanctions and he was about to start the redevelopment work. However, the society members have now approached a different developer and, therefore, at his behest they are creating hurdle in the redevelopment work.

6. All these submissions will have to be responded to by the learned APP and the first informant. Today, even the investigating officer is not present and, therefore, the learned APP does not have full instructions in the matter. From the submissions of the learned counsel for the applicant, he has pointed out a possibility that the applicant may not have criminal intention in

this transaction because he had paid the rent amount for about more than a year. Considering this the applicant can be protected by way of ad-interim order.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.518 of 2023 registered at Khadakpada Police Station, Thane city, 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.
- ii) This order shall operate till 17/04/2024.
- iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iv) Stand over to 17/04/2024.

(SARANG V. KOTWAL, J.)