

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

ANTICIPATORY BAIL APPLICATION NO.760 OF 2024

Sandeep Vishnu Mahadik Applicant

versus

State of Maharashtra Respondent

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- Dr. Manjula Biswas, (appeared through VC), Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.
- Mr. Anand R. Kandoi, Advocate for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.565/2023, dated 26/10/2023, registered with M.H.B. Colony, Police Station, Mumbai, under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Heard Dr. Manjula Biswas, learned counsel for the Applicant, Mr. Anand R. Kandoi, learned counsel for the Intervenor and Mr. Nitin B. Patil, learned APP for the State.

3. The gist of the FIR is that the informant wanted to purchase a small house. His budget was small and he could afford a room in SRA scheme. His common friend introduced the informant to the Applicant. The informant was shown room No.404 in Shri Ganesh Darshan Building, Shimpoli, Borivali. The price was quoted at Rs.32 lakhs. The informant paid Rs.27 lakhs to the Applicant, out of which Rs.20 lakhs were paid in cash in the presence of witnesses. However, after that, the money was not returned. The flat was not given. The Applicant told the informant to collect money from one Urmila Salvi. She promised to refund the money. But she did not refund it. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant had no intention to misappropriate the amount of the informant. She submitted that the Applicant understands that the informant has lost his hard earned money. The Applicant wants to genuinely return the money. But he only needs some reasonable time to refund the money with the help of the co-

accused. Strictly based on these submissions, today I am granting ad-interim relief to the Applicant. The Applicant will have to show bonafides by making some payment initially.

5. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.565/2023, dated 26/10/2023, registered with M.H.B. Colony, Police Station, 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.
- (ii) This order shall operate till 10/04/2024.
- (iii) All the contentions on merits of the matter are left open.
- (iv) Stand over to 10/04/2024.

(SARANG V. KOTWAL, J.)