

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

ANTICIPATORY BAIL APPLICATION NO.1224 OF 2024

Inamuddin Najmuddin Khan

..Applicant

Versus

State of Maharashtra

.. Respondent

Adv. Rajuram Kuleriya a/w Adv. Supriya Harugade a/w Adv.
Akshita Vakharia i/by Suhas S. Kadu, Advocate for the Applicant.
Mr. Prashant P. Jadhav, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd JULY, 2024

P.C. :

1. In the order dated 7.5.2024, in paragraph-1 as well as in paragraph-6(iii), inadvertently the date is mentioned as “15/05/2024”, however, the correct date is “15/05/2023”.

2. The correct date i.e. “15/05/2023” be mentioned in paragraph Nos.1 & 6(iii); and the corrected order be uploaded with this order.

(SARANG V. KOTWAL, J.)

CORRECTED ORDER DATED 7.5.2024 READS THUS :

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ANTICIPATORY BAIL APPLICATION NO.1224 OF 2024

Inamuddin Nasmuddin Khan

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Dharmesh Joshi a/w Suhas Satish Kadu, Advocate for Applicant.
- Ms. Poonam P. Bhosale, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.320/2023, dated 15/05/2023, registered with Kalyan Taluka Police Station, Thane Rural, under section 420 of the Indian Penal Code.
2. Heard Mr. Dharmesh Joshi, learned counsel for the Applicant and Ms. Poonam P. Bhosale, learned APP for the State.
3. The FIR is lodged by one Asmabano Abdul Hakim Sayyed. She has stated that in 2014, she was in search of a room. She came to know that the Applicant was developing a property at Titwala and he had constructed some rooms. She liked one room. There were negotiations and she decided to purchase the room No.5, in Chawl No.3, Survey No.73, Hissa

37/02, admeasuring 300 sq.ft. She paid Rs.4 lakhs between June 2015 to November 2019. But thereafter, the room was not given. Some notarized power of attorney and sale deed were executed in December 2019, but after that the possession of the room was not given. The money was not refunded. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the balance amount is still Rs.2,50,000/-, which the informant has not paid. He also submitted that the room which she had booked had gone in the portion which was acquired in the Government project for national highways. However, there is another room available in the vicinity of the same area, which the Applicant is willing to hand over to the first informant on payment of the balance amount. In the alternative, he is also willing to refund the money which he had taken from the informant.

5. Considering this statement, it is necessary to hear the first informant. Till she is heard, the Applicant can be protected by way of ad-interim relief.

6. Hence, the following order :

ORDER

- (i) Leave to amend to add the first informant as party Respondent.
- (ii) Amendment shall be carried out within a period of 10 days from today. After the amendment is carried out, issue notice to the added Respondent returnable on 02/07/2024.
- (iii) In the event of his arrest in connection with C.R.No.320/2023, dated 15/05/2023, registered with Kalyan Taluka Police Station, Thane Rural, 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 02/07/2024.
- (v) Stand over to 02/07/2024.

(SARANG V. KOTWAL, J.)