

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

ANTICIPATORY BAIL APPLICATION NO.1261 OF 2024

Mangesh Arunchandra MouryaApplicant
Versus
The State of Maharashtra Respondent

Dr. Abhinav Chandrachud, Advocate a/w. Unnati Ghia,
Ashwin Hirulkar i/b. Suyash N. Khose for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.
Mr. Kuldeep S. Patil, Advocate for the Intervener.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.246/2024 registered with Wanvadi Police Station, Pune on 29.3.2024 under Sections 420, 467, 468, 471, 120-B of IPC.

2. Heard Dr. Abhinav Chandrachud, learned counsel for the Applicant, Ms. Pallavi Dabholkar, learned APP

for the Respondent-State and Mr. Kuldeep Patil, learned counsel for the Intervener.

3. Shri Kuldeep Patil appears for the intervener first informant and states that he has instructions to file the intervention application. He is seeking an adjournment.

4. Learned APP stated that the investigating officer is not present. She is also seeking time. Therefore, I have heard the parties for consideration of ad-interim relief.

5. The FIR is lodged by one Manoj Mandhare. He was a Partner of M/s. Takshashila Construction which was having the business of builders and developers. The subject matter of this FIR is the land at Survey No.58/6 at Wanvadi admeasuring 4 H 17 R. It was owned by Mahedwi Nagar Co-operative Housing Society. The new City Survey is No.1278/66. The informant came to know about this land being available for development in the year 2006. At that time the rights for development were with one Smt. Dhirottama Joshi. The informant purchased those rights

from Dhirottama Joshi. The development agreement was entered into on 11.7.2006. It was a registered agreement. Mahedwi Nagar Society objected to that transaction and filed a civil suit. In the year 2008, there was compromise between the informant and Mahedwi Nagar Co-operative Society and the development agreement was entered into on 4.1.2008. It was registered vide document No.121/2008. The informant had preferred application for building permission but till lodging of the FIR those permissions were not granted and therefore the work of development was still pending. In the meantime, the informant and said Mahedwi Nagar Co-operative Housing Society had appointed one Ujwal Sakhare as the care taker. It is alleged that the Managing Committee of Mahedwi Nagar Co-operative Housing Society had given general power of attorney to Ujwal Sakhare by a document on 7.1.2017. It was a registered document. Ujwal was not a member of that society. But, through fraudulent transactions four godowns and four shops were sold to M/s. Rachana Construction on 6.3.2017.

The amount was not deposited with Mahedwi Nagar Co-operative Housing Society but it was deposited in the bank account of Ujwal. It is alleged in the FIR that the present Applicant was a close associate of said Ujwal and he was part of this transaction. On this basis, the FIR is lodged.

6. Learned counsel for the Applicant submitted that the present Applicant became care taker of that society in the year 2022 after Ujwal had passed away. He had absolutely no connection with the transaction which had taken place in the year 2017. No money was received by him. He is not a beneficiary.

7. Considering these submissions, at this stage the Applicant can be protected by way of ad-interim relief with directions to attend the concerned police station and to cooperate with the investigation.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.246/2024 registered with Wanvadi Police Station, Pune, till the next date, the Applicant be released on bail on his executing 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 28.6.2024.
- (iii) The Applicant shall attend the concerned Police Station on 15th, 16th and 17th May, 2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. He shall cooperate with the investigation.
- (iv) Stand over to 28.6.2024.

(SARANG V. KOTWAL, J.)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.05.09
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