

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

ANTICIPATORY BAIL APPLICATION NO. 1269 OF 2024

Mr. Nandkumar Goswami

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

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Mr. Kuldeep S. Patil, a/w. Mr. Rohan Hogle, Mr. Ashishkumar
Shrivastav i/b. Mr. Aadesh Konde-Deshmukh for Applicant.
Ms. Mahalaxmi Ganpathy, APP for State/Respondent.
Mr. Rohan Barge, for Intervener.

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CORAM :- SARANG V. KOTWAL, J.
DATE :- 08 MAY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.47 of 2024 registered at Lonawala Police Station on 11th February 2024 under Sections 406, 420 read with Section 34 of the Indian Penal Code.
2. Heard Mr. Patil, learned counsel for the applicant, Ms. Ganpathy, learned APP for the State and Mr. Barge for Intervener.
3. At the outset learned advocate appearing on behalf of

Intervener states that he has instructions to file an intervention application on behalf of the Intervener. He seeks time to file intervention application. At his instance I am adjourning the matter, however I have heard the parties for consideration of ad-interim relief.

4. The gist of the F.I.R. is that Applicant was a Partner of M/s. Taj Enterprises. He sold plot Nos.52, 66 and 67 at Tungarli. The F.I.R. mentioned that for those three plots total amount of ₹46,28,500/- was paid by the informant to the Applicant. However, the plots were occupied by third persons namely Salim Moti and Suryakant Kastur. The applicant had undertaken to remove their encroachment and handover peaceful possession to the informant. The balance amount was to be paid after that. According to the informant, he subsequently came to know that Suryakant Kastur has filed Special Civil Suit No.13 of 2023 in the Court of Civil Judge, Senior Division, Wadgaon Maval. In the above Special Civil Suit No.13 of 2023 the informant and the Applicant were made the Defendants. The informant came to know that Applicant had sold the two plot Nos.52 and 66 in the year

1979 to Jawahar and Leela Balani. This fact was suppressed by the informant and he was made to part with the aforesaid amount. The other allegations are in respect of the other five plots for which the Applicant had allegedly accepted amount of ₹23,23,123/-. There are no serious allegations in respect of this transaction. There is another allegation that the informant had paid amount of ₹16,90,000/- for stamp duty and he has lost that money as well. On this basis the F.I.R. is lodged.

5. Learned counsel for Applicant submitted that out of the disputed amount of ₹46,00,000/- he has already paid ₹11,00,000/- on 15 September 2023. The balance amount of ₹35,00,000/- in respect of plot Nos.52, 66 and 67 is kept in the escrow account of his advocate i.e. Chetan Oswal. The Applicant has filed a written undertaking before the Court stating that the said amount would be transferred in Complainant's account before three months. Learned counsel for the Applicant submitted that the Applicant is 78 years of age and due to shortage of time he is filing a written undertaking. Before the next date, he will file proper affidavit in that behalf. Written undertaking is signed by the

Applicant and taken on record and marked as 'X' for identification. Considering these submissions and the undertaking filed today, the Applicant can be granted ad-interim relief till the next date.

6. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R. No. 47 of 2024, registered with Lonawala Police Station, Pune Rural on 11th February 2024, till the next date the Applicant is directed to be released on bail on his executing P. R. bond in the sum of ₹30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The order shall operate till 3rd July 2024.
- iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iv) Stand over to 3rd July 2024.

(SARANG V. KOTWAL, J.)

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