

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1408 OF 2024**
Chandrakant Dattu Mhatre And Anr. ...Applicants
Versus
State Of Maharashtra ...Respondent

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Mr. Vijay Jha a/w. Mr. Ankit Upadhya i/b. Law Juris, Advocate for the Applicant.

Mr. Shriram S. Chaudhari, APP for the Respondent – State.

PSI Nivas Garale , Navghar Police Station present.

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CORAM : M.W. CHANDWANI, J.
DATE : 21st MAY, 2024.
(VACATION COURT)

P.C.:

1. Heard learned counsel for the Applicants and learned APP for the State.
2. Crime No. 389 of 2023 came to be registered with Navghar Police Station for the offences punishable under Sections 406, 420, 506 r/w. 34 of the Indian Penal Code, alleging that the complainant had paid an amount of Rs. 15,00,000/- towards purchase of a flat in a proposed building to be constructed by the Applicants along with developer. However, the construction of building could not progress for a considerable time. Therefore, the Complainant was insisting to repay the amount or to hand over the possession of the flat. However, from 2013 till the date of FIR,

neither the amount was returned nor possession of the flat was given to the Complainant, except payment of Rs.4,00,000/-. Therefore the aforesaid offences came to be registered against the Applicants.

3. It appears that, from the order of the Learned Sessions Court as well as it is a common ground that, remaining amount of Rs.11,00,000/- has been deposited in the Sessions Court and the Court has permitted the complainant to withdraw the said amount.

4. Considering the submissions, nature of allegations coupled with the facts that, amount has already been deposited before the Sessions Court, a case is made out for grant of ad-interim relief.

5. Hence, the following order:

ORDER

(i) Pending the application, in the event of arrest, the Applicants be released on bail on furnishing P.R. Bond of Rs.25,000/- each with one solvent surety in the like amount.

(ii) The Applicants shall attend the concerned police station on 28th June, 2024 and 29th June, 2024 between 10 am to 12 noon and shall cooperate in the investigation.

Stand over to 4th July, 2024.

(M.W. CHANDWANI, J.)