

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

Anticipatory Bail Application No. 1408 of 2024

1. Chandrakant Dattu Mhatre
aged about 75 years, Indian Inhabitant,
R/at. Pandurang Palace,
Indira Gandhi Udyan, Goddev,
Bhayander (E), Thane – 401 105.

2. Vishal Chandrakant Mhatre,
aged about 47 years, Indian Inhabitant,
R/at. Pandurang Palace, Indira Gandhi
Udyan, Goddev, Bhayander (E),
Thane – 401 105.

..Applicants

Vs.

The State of Maharashtra
through the Public Prosecutor,
High Court (A.S.), Bombay.

..Respondent

Mr. Durgesh Rege i/b. Law Juris, for the Applicants.
Mr. N. B. Patil, APP for the Respondent – State.
PSI K. D. Nevase, Navghar Police Station present.

Coram : R. N. Laddha, J.

Date : 8 July 2024

P.C.

. Heard Mr. Durgesh Rege, learned counsel for the applicants and Mr. N. B. Patil, learned APP representing the

respondent – State.

2. By the present application, the applicants are seeking anticipatory bail in connection with CR No.389 of 2023, registered at Navghar Police Station, for the offences punishable under Sections 406, 420 and 506 read with 34 of the Indian Penal Code.

3. The allegations are that the informant paid Rs.15 Lakhs for the purchase of a flat in a proposed building to be constructed by the applicants and developer. However, due to significant delays in the building's construction, the complainant demanded either repayment of the amount or possession of the flat. Despite this, from 2013 until the date of FIR, neither the amount was refunded nor possession of the flat was granted to the complainant, except for a partial payment of Rs.4 Lakhs.

4. Mr. Rege, the learned counsel for the applicants, asserts that the applicants have already paid Rs.4 Lakhs to the informant and have deposited the remaining amount of Rs.11 Lakhs with the Sessions Court in November 2023. Learned counsel submits that nothing is to be recovered from the applicants. Furthermore, the applicants are ready to cooperate with the investigation.

5. The learned APP, on instructions, acknowledges that as directed by this Court, the applicants have attended the police

station and cooperated with the investigation. The investigation is over and the charge sheet will be filed within a week from today. The applicants have already paid part consideration amount and deposited the remaining amount with the Sessions Court.

6. In view of the aforesaid and having regard to the nature of allegations, the interim order dated 21 May 2024 deserves to be confirmed on the same terms and conditions. Hence, the following order.

ORDER

The interim order dated 21 May 2024 is made
absolute on the same terms and conditions.

7. The application stands disposed of accordingly.

R. N. Laddha, J.