

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

Anticipatory Bail Application No. 1561 of 2024

Kishor Keshavji Shah
Age 68 years, Occ. Business,
Adult, Indian Inhabitant,
R/at. D/15, 305, Yogi Smruti CHS,
Eksar Road, Near Aura Hotel,
Yogi Nagar, Borivali (West),
Mumbai – 400 091.

...Applicant

Vs.

1. The State of Maharashtra
(At the instance of Sr. Inspector
of Police, Navghar Police Station
Mira-Bhayandar, Maharashtra – 401 105.

2. William Antony D'souza
104, V. M. Heights, Sai Charan
Complex, Prabhakar Mhatre Road,
Bhayander (East), Thane.

...Respondents

Mr. Sunny Waskar a/w. Mr. Shamish Marwadi, Ms. Harshada
Morey, Ms. Bhavika Patil, for the Applicant.
Ms. Rajeshree Newton, APP for the Respondent – State.
API T. D. Sakunde, Navghar Police Station present.

Coram : R. N. Laddha, J.

Date : 5 July 2024

P.C.

. By this application, the applicant is seeking anticipatory

bail in connection with C.R. No.526 of 2023 registered with Navghar Police Station, Mumbai, for the offences punishable under Sections 406 and 420 read with 34 of Indian Penal Code.

2. The prosecution claims that the informant was persuaded by the applicant and the co-accused to book a flat in a scheme operated by the construction company owned by the applicant and his partners. Despite receiving the consideration amount of Rs.12.51 lakhs, the applicant allegedly did not allotted the flat to the informant.

3. The learned APP, on instructions from the informant, who is present before the Court states that the applicant returned Rs. 12.50 lakhs out of Rs.12.51 lakhs received. The learned APP fairly acknowledges that the custodial interrogation of the applicant is not necessary as the investigation is over and the charge sheet will be filed within a week.

4. In view of this, the application is allowed in the following terms.

(i) In the event of applicant's arrest in C.R. No.526 of 2023 registered with Navghar Police Station, Mumbai, he be released on bail on executing a P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police

station as and when required.

5. The application stands disposed of accordingly.

R. N. Laddha, J.