

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

ANTICIPATORY BAIL APPLICATION NO. 1568 OF 2024

Janardhan Padmanabha Amin
Aged 55 Years, Occ. Business,
R/at. E/106, Ramchandra Park,
Sagaon, Near Pawar Nagar,
Dombivali (East), Tal. Kalyan,
District – Thane.

..Applicant

Vs.

The State of Maharashtra
through Manpada Police Station,
Tal. Kalyan, District - Thane.
C.R. No.0546/2024

..Respondent

Ms. Preeti Walimbe a/w. Mr. Mayank Tripathi, for the Applicant.
Mr. Nitin B. Patil, APP for the Respondent – State.
API S. D. Palve, Manpada Police Station present.

**CORAM : R. N. LADDHA, J.
DATE : 13 JUNE 2024**

P.C.

. Heard Ms Preeti Walimbe, the learned Counsel representing the applicant, and Mr Nitin Patil, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the

applicant, apprehending arrest in CR No.546 of 2024 registered with Manpada Police Station, Thane, for the offences punishable under Sections 420, 467, 471 read with 34 of the Indian Penal Code.

3. The prosecution alleges that the applicant, a broker, in connivance with the co-accused/ developer, induced the first informant to buy a flat in a building constructed by the co-accused/ developer. As part of the transaction, the first informant issued cheques in favour of the co-accused/ developer for Rs.50,000/- towards the booking amount and Rs.3,00,000/- towards the down payment. These cheques were given to the applicant for depositing them in the co-accused/developer's account. The first informant also took a loan from a financial institution. Subsequently, the corporation demolished the building as the land was reserved for a DP Road. This triggered the first informant to lodge the present crime.

4. Ms Preeti Walimbe, the learned Counsel, appearing on behalf of the applicant, submits that the applicant has solely acted as a broker and showed the first informant various properties. Without any influence, the first informant decided to purchase the premises in the project developed by the co-accused/ developer. She asserts that the applicant has no involvement in the construction activities of the co-accused/ developer. The

learned Counsel highlights that the transactions with the developer took place in 2021, and the building was demolished in 2022. However, the FIR was lodged two years thereafter in 2024. Moreover, the co-accused/ developer passed away in August 2022. According to the learned Counsel, the FIR is lodged as an afterthought to extract money from the applicant. Furthermore, the grievance of the first informant is mainly against the developer and the financial institution, and the applicant, who has no criminal antecedents, has no role to play in the present crime. Additionally, the learned Counsel submits that though the applicant has not received Rs.50,000/- as the brokerage, he is willing to deposit a sum of Rs.50,000/- before the trial Court.

5. Mr Nitin Patil, the learned Additional Public Prosecutor opposing the application, argues that the applicant worked hand in glove with the developer and was always aware of the existence of the DP road reservation. The applicant, despite being aware of the demolition notices received by the developer, continued to persuade other victims to purchase premises in the building. The learned APP submits that the investigation is in progress and the applicant's custody is necessary.

6. This Court has given anxious consideration to the rival contentions.

7. Upon perusing the record, it transpires that the dispute arose from a sale transaction. From the allegations in the FIR, the dispute *prima facie* appears to be of a civil nature. The sale of the premises materialised on payment of the consideration to the co-accused/ developer in 2021. The corporation demolished the building in 2022. Considerable time has passed till the lodging of the FIR in 2024. Moreover, the applicant is ready to deposit the brokerage amount of Rs.50,000/- as alleged to have been received by the applicant in the trial Court. Considering the allegations made against the applicant, this Court is inclined to allow the present application in the following terms:

- (i) In the event of the applicant's arrest in CR No.546 of 2024 registered with Manpada Police Station, Thane, the applicant shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount, subject to the condition that the applicant shall deposit an amount of Rs.50,000/- in the trial Court within two weeks from the date of uploading of this order. The trial Court, however, shall not allow the withdrawal of this amount until the conclusion of the trial.
- (ii) The applicant shall cooperate with the investigation and attend the police station as and when required.

- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application is disposed of accordingly.

R. N. LADDHA, J.