

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

ANTICIPATORY BAIL APPLICATION NO. 345 OF 2024

Bhushan Bhanudas Karale	..Applicant
Versus	
State of Maharashtra	..Respondent

**WITH
INTERIM APPLICATION NO. 529 OF 2024**

Vinay Narayan Mhatre	..Intervenor
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In the matter between

Bhushan Bhanudas Karale	..Applicant
Versus	
State of Maharashtra	..Respondent

Mr. Nikhil D. Waje for Applicant.

Mr. Ramdas P. Hake Patil for Intervenor in IA/529/24.

Smt. Sangita D. Shinde, APP for State/Respondent.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 13 JUNE 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.39 of 2024, registered at Badlapur (West) Police Station, District Thane, on 20.01.2024, under Sections 406 and 420 of the Indian Penal Code.

2. Heard Mr. Nikhil Waje, learned counsel for the applicant, Smt. Sangita Shinde, learned APP for the State and Mr. Ramdas Hake Patil, learned counsel for the Intervenor.

3. The F.I.R. is lodged by one Vinay Mhatre. He has stated that, he was in the business of land development and also in the business of sale and purchase of land. The applicant was known to him since long time. The informant came to know that the applicant had a land at survey No.65/5 at Katrap, Badlapur and that he wanted to sell 15.79 Gunthe of his land. The informant contacted the applicant and asked him whether he wanted to sell that land. The applicant told him that he wanted to sell that land. Both of them discussed and it was decided that the informant would purchase that land for Rs.4 crores. It is the case of the informant that, he had paid Rs.20 lakhs to the applicant through cheque in August 2023. In spite of that, no further steps were taken. The informant came to know that the applicant had sold that land to one Umakant Singh. The applicant did not return the informant's money. On this basis, the F.I.R. was lodged.

4. On the last occasion i.e. on 06.02.2024, learned counsel for the applicant had made a statement on instructions that the applicant was willing to refund the amount of Rs.20 lakhs with additional amount of Rs.75000/- and that the amount would be deposited in this Court within three weeks from 06.02.2024. He had further stated that, there was no objection if the informant withdrew that amount. Learned counsel for the informant was agreeable to that statement. In that background, the ad-interim relief order was passed on 06.02.2024 protecting the applicant and permitting him to deposit Rs.20,75,000/- in this Court before the next date.

5. Today, I am informed that the said amount of Rs.20,75,000/- is deposited in the Court. The office note also shows such deposit. Learned counsel for the applicant appearing today submitted that the applicant has no objection if the amount is withdrawn by the first informant. The entire allegations are about non payment of Rs.20 lakhs. The applicant has deposited Rs.75000/- more. He has thereby shown his bonafides. He has also given no objection if the informant withdraws this amount. In this

view of the matter, ad-interim order granted earlier can be made final. Learned APP, on instructions, does not have objection for this course of action.

6. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.39 of 2024, registered at Badlapur (West) Police Station, District Thane, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The first informant is permitted to withdraw the said amount of Rs.20,75,000/- deposited by the applicant before this Court.
- iii) The Application is disposed of.
- iv) With disposal of main application, the interim application is also disposed of.

(SARANG V. KOTWAL, J.)