

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

ANTICIPATORY BAIL APPLICATION NO. 294 OF 2024

Bhupendra Chintaman Patil

..Applicant

Versus

The State of Maharashtra

..Respondent

**WITH
INTERIM APPLICATION NO. 1276 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 294 OF 2024**

Mr. Saurabh D. Butala a/w. Ms. Manvi Sharma for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

Mr. Pratik P. Deshmukh a/w. Nandan Gavali for Intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 1 AUGUST 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.190 of 2022 registered at Khandeshwar Police Station, Navi Mumbai, on 11.07.2022, under sections 406 and 420 of the Indian Penal Code.

2. Heard Mr. Saurabh Butala, learned counsel for the applicant, Mr. S.H.Yadav, learned APP for the State and Mr. Pratik

Deshmukh, learned counsel for the Intervenor.

3. The FIR is lodged by one Harshila Khandagale. She has stated that the Applicant was a Developer. He was known to the informant's husband. He approached the informant and her husband. He told them that he would given them a room at a concessional rate. He told them that he was having his project at Section-8, New Panvel and that he would give the possession of the 1000 sq. ft. room within thirty months. For that flat the informant paid Rs.10 Lakhs to the Applicant. An agreement was executed and notarized. However, the possession was not given within 30 months. Instead the Applicant told them that he would give them another flat for Rs.30 Lakhs at Uran. The informant accepted that proposal as well. She paid Rs.7,50,000/- through RTGS and Rs.2,50,000/- in cash. Thus, she paid the total amount of Rs.20 Lakhs but ultimately she was not given the flat and her money was misappropriated. On this allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that, he was protected by ad-interim relief vide the order dated 06.02.2024

passed in the present application. The applicant had shown his willingness to pay the balance amount of Rs.10 lakhs, as Rs.10 lakhs were already returned. The allegations were in respect of the total amount of Rs.20 lakhs. After the order dated 06.02.2024, the applicant has paid the amount of Rs.10 lakhs to the first informant.

5. Today, the learned counsel for the first informant is present before the Court and accepts that the applicant had paid the balance amount of Rs.10 lakhs to the first informant after the order dated 06.02.2024. Learned counsel for the first informant, on instructions, makes a statement that the first informant does not have any objection for allowing this application.

6. Learned APP submitted that the offence of cheating and U/s.406 of the I.P.C. are alleged in the F.I.R.

7. I have considered these submissions. This transaction is strictly between the two individuals. The first informant has received the money which she had given to the applicant. She has no objection if the anticipatory bail is granted to the applicant. In

this view of the matter, the present application can be allowed. The applicant's custodial interrogation is not necessary.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.190 of 2022 registered at Khandeshwar Police Station, Navi Mumbai, 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 Application is disposed of.
- iii) With disposal of anticipatory bail application, the interim application does not survive and it is also disposed of.

(SARANG V. KOTWAL, J.)