

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

Anticipatory Bail Application No.1683 of 2024

1. Viivek Jain
Age: 49 years, Occ.: Business
R/o. Flat No.2101, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
Kalachowky, Mumbai 400 033
2. Akkshay Jain
Age: 39 years, Occ.: Business
R/o. Flat No.2104, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
Kalachowky, Mumbai 400 033
3. Madanlal Pukhraj Jain
Age: 71 years, Occ.: Business
R/o. Flat No.2201, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
Kalachowky, Mumbai 400 033
4. Ashika Jain
Age: 47 years, Occ.: Business
R/o. Flat No.2101, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
Kalachowky, Mumbai 400 033
5. Prachi Jain
Age: 36 years, Occ.: Business
R/o. Flat No.2104, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
Kalachowky, Mumbai 400 033

6. Pragati Rastogi

Age: 44 years, Occ.: Service,
R/o. Flat No.1301/2, Kesar Harmony,
Kharghar, Navi Mumbai – 410210

7. Santosh Mhaske

Age: 41 years, having address at
Room No.13, Bhagibhai Bhagat Sadan,
Juju Gaon, Vashi, Navi Mumbai 400 701 ... Applicants

versus

1. The State of Maharashtra

(Through Sr. Inspector of Rabale
Police Station, Navi Mumbai,
Dist. Thane)

2. Rangnath Pundalik Shinde

Age Adult, Occ. Nil
R/o. Room No.9, Plot No.100,
Gurudev CHS, Sector 7,
Koparkhairne, Navi Mumbai (Rabale) ... Respondents

With

Interim Application No.3678 of 2024

In

Anticipatory Bail Application No.1683 of 2024

Rangnath Pundalik Shinde

Age 69 years, Occ: Retired

R/o. Room No.9, Plot No.100,

Gurudev CHS, Sector 7,

Koparkhairne, Navi Mumbai

... Applicant
/Intervenor

In the matter between

1. Viivek Jain

Age: 49 years, Occ.: Business
R/o. Flat No.2101, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
Kalachowky, Mumbai 400 033

2. Akkshay Jain

Age: 39 years, Occ.: Business
R/o. Flat No.2104, Parshwa Padma,
Muthaliya Residency, Dattaram Lad Marg,
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Kalachowky, Mumbai 400 033

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Kalachowky, Mumbai 400 033

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7. Santosh Mhaske,
Age: 41 years, having address at
Room No.13, Bhagibhai Bhagat Sadan,
Juju Gaon, Vashi, Navi Mumbai 400 701 ... Applicants

versus

The State of Maharashtra
Through Inspector of Rabale
Police Station, Navi Mumbai,
Dist. Thane ... Respondent

Mr Ashok Mundargi, Senior Advocate, along with Mr Mohit Bhansali, Mr Pritam Runwal, and Mr Anil Khopade, for the applicants.

Mr Yogesh Y Dabke, APP, for respondent No.1/ State.

Mr Vaibhav Kadam, along with Mr Sameer Parkar and Ms Shweta Jadhav, for respondent No.2/ informant.

API Shekhar Tadvi, Rabale Police Station, is present.

Coram: R.N. Laddha, J.

Date: 13 December 2024.

P.C.:

By this application, the applicants seek pre-arrest bail in connection with CR No.267 of 2024, registered at Rabale Police Station, Navi Mumbai, for offences punishable under Sections 341, 406, 420, 465, 467, 468, 504 and 506 read with 34 of the Indian Penal Code.

2. The prosecution alleges that the applicants induced the informant to pay Rs.1,51,89,460/- for a flat but failed to deliver its possession or return the accepted funds.

3. Mr Ashok Mundargi, the learned Senior Counsel appearing on behalf of the applicants, asserting the applicants' innocence, submits that the applicants have been falsely implicated in the present crime. The dispute is of a civil nature. Further, the informant, without raising any grievance, has accepted the possession of the flat on 7 September 2024. The learned Senior Counsel further submits that nothing remains to be recovered from the applicants. The applicants are ready to comply with any conditions set by this Court.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Vaibhav Kadam, the learned Counsel appearing for respondent No.2/ the informant, jointly submit that the offence is serious. The learned Counsel for respondent No.2 acknowledges that the informant has received possession of the flat; however, the applicants delivered the possession belatedly. The learned APP acknowledges that the investigation has concluded, and nothing remains to be recovered from the applicants.

5. Upon perusing the records, it appears that the dispute arose from the sale of a property. The learned Counsel for respondent No.2/ informant concedes that the informant has received possession of the flat. The genesis of the offence appears to be civil. The investigation has concluded, and nothing remains to be recovered from the applicants. In these circumstances, the present application is allowed on the following terms:

(i) In the event of the applicants' arrest in connection with CR No. 267 of 2024, registered at Rabale Police Station, Navi Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants, themselves or through any other person, shall not indulge in any activity that may tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly. As a sequel, the pending interim application also stands disposed of.

(R.N. Laddha, J.)