

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

CRIMINAL BAIL APPLICATION NO. 3292 OF 2024

Shirishkumar Rangrao Chavan ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Mr. Abhishek R. Avachat, Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 21.03.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 40 of 2019 registered at Kamothe Police Station, Dist-Navi Mumbai for the offences punishable under Sections 420, 405 & 409 r/w 34 of the Indian Penal Code under Sections 4 & 13(a) of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (MOFA Act).
3. The applicant is a builder/developer. The complainant and his father purchased two flats in the project of the applicant. The allegations against the applicant and co-accused are of cheating and defrauding

the complainant and his father to the tune of Rs. 1.13 Crore.

4. The learned counsel for the applicant submits that the co-accused has already deposited Rs.50,00,000/-. It is submitted that the applicant is in jail for one year and four months. It is submitted that the applicant is willing to deposit Rs.20,00,000/- and has tendered an affidavit of the son of the applicant to that effect.

5. On the other hand, the learned APP for the respondent-State submits that the co-accused has filed undertaking before the Sessions Court that he would deposit Rs.1 Crore, however, has deposited only Rs.50,00,000/-. It is submitted that considering the facts and circumstances, the applicant may not be released on bail.

6. The applicant is in jail for one year and two months. In view of the affidavit filed by the son of the applicant, I am inclined to release the applicant on interim bail to enable him to deposit the amount of Rs.20,00,000/-

7. The applicant shall be released on bail in Crime No. 40 of 2019 registered at Kamothe Police Station, Dist-Navi Mumbai for the offences punishable under Sections 420, 405 & 409 r/w 34 of the Indian Penal Code under Sections 4 & 13(a) of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (MOFA Act) on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount, for the period

of three months.

8. The applicant shall deposit the amount of Rs.20,00,000/- within the above period before the trial Court.

9. List the application for further consideration on 21.06.2025.

(N. R. BORKAR, J.)