



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

ANTICIPATORY BAIL APPLICATION NO.1940 OF 2024

RAMESH HARAKCHAND GADA AND ANR. ...APPLICANT
VS
STATE OF MAHARASHTRA ...RESPONDENT

**WITH
ANTICIPATORY BAIL APPLICATION NO.2073 OF 2024
WITH
ANTICIPATORY BAIL APPLICATION NO.2189 OF 2024
WITH
ANTICIPATORY BAIL APPLICATION NO.2193 OF 2024**

...

Adv. Jugal Kanani, Manisha Prajapati i/b Vimla & Co. for the Applicant in ABA/1940/2024.

Adv. Vaibhav Bagade a/w Mr. Aman Kothari, Adv. Gaurav Kalekar Mr. Dishang Shah for applicant in ABA/2189/2024, ABA/2073/2024.

Adv. Ashok Mundargi, Sr. Advocate a/w Adv. Vaibhav Bagade, Adv. Gaurav Kalekar for applicant in ABA/2193/2024.

Mr. Avinash A. Naik APP, for the Respondent/State.

Mr Sandeep Karnik, a/w Swaraj Sable for the Intervenor in IA3485/2024 in ABA/2073/2024, IA/3484/2024 in ABA/2189/2024, IA/3456/2024 in ABA/2193/2024, IA/3677/2024 in ABA/1940/2024.

Mr Ashok Mishra (Through V. C.) a/w Ms Kinjal Mehta a/w Mr. Jilesh Sanghavi, Dhara Chauhan and Adv. Prapti Patil i/b Solicis Lex, for the intervenor in IA/3132/2024 in ABA/2073/2024, IA/3088/2024 in ABA/2189/2024, IA3090/2024 in ABA/1940/2024, IA/3089/2024 in ABA/2193/2024.

Mr. Jeet Gandhi Applicant in IA/3135/2024 in ABA/1940/2024 & IA/3134/2024 in ABA/2073/2024.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 24, 2025

P.C.:

1. Mr. Mundargi, learned senior counsel for the applicants in ABA/2193/2024 hands over an affidavit cum undertaking dated 22 March 2025 of Mr. Kamlesh Prabhulal Khandor and Mr. Saurabh Dhirajlal Kubadia, partners of RKE Developers. The said affidavit undertaking is taken on record and marked as "X1" for identification. All the statement made in the undertaking are accepted as undertaking given to this Court. For ease of reference, the scanned copy of this affidavit cum undertaking is reproduced herein below:

Coram: Shri Rajesh S. Patil, J. 6
24/03

Date: 24/03/25 RKE
24/3/25

For Reg. (J) (A)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2193 2024

1. Mr. Kamlesh Prabhulal Khandor
2. Mr. Saurabh Dhirajlal Kubadia Applicants

V/s

The State of Maharashtra
(At the instance of
Malad Police Station, 444/2024). ...Respondent.

AFFIDAVIT CUM UNDERTAKING

We, Mr. Kamlesh Prabhulal Khandor and Mr. Saurabh Dhirajlal Kubadia, PARTNERS of RKE Developer, respectively residing at B/609, Trimurti Apartment, Mamlatdar Wadi, Malad (W), Mumbai - 400064 and at 60, Sun Shine Heights, P.L.Kale Guruji Marg, Dadar (W), Mumbai, the Applicants in the aforesaid matter, do hereby solemnly affirm and hereby undertake to this Hon'ble Court as under :

Tawer
S. Kulkarni

NOTARY
YALNESH CHANDRA DUBEY
GREATER MUMBAI
REGD. No. 10131
Exp. Dt. 31/10/2028
GOVT. OF INDIA



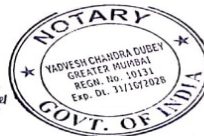
(a) The Applicants state that the pursuant to the Letter of intent (LOI) / intimation of Approvals (IOA), initially the Applicants were been granted sanctions and permission till 23 floors by the Sra Department. The Applicants state that the Applicant developer have completed the RCC structure till 19 floors and further 4 slabs are pending for completion.

(b) The Applicants hereby agree and undertake to complete the construction till 23 floors and obtain Part Occupation Certificate and shall handover the Possession to the complainants and his family members as mentioned in the FIR of their Respective Flat no. 503,603,703,902,903,1003,1102,1203 and 1401 by 31.12.2025.

(c) The Applicants further state and agree that the construction of the remaining portion upto 33 floors will also be in progress and shall continue and the Complainant shall not object for the same.

(d) The Applicants herein further agree and state that the construction of the building till 33 floors will be completed as expeditiously as

Tamlebr
S. Kulkarni



possible and possession shall be handed over to the respective flat Purchasers.

(e) That the Applicant's herein agree and confirm to complete the construction of the building with support and co-operation of the Society.

Solemnly Affirmed at Mumbai) *Tamlebr*

Dated this 22nd day of March, 2025) *S. Kulkarni*

Identified, explained by me;

Before me;

aw
Advocate for the Applicants.



BEFORE ME
Yadvesh Chandra Dubey
YADVESH CHANDRA DUBEY
Advocate & Notary Govt. of India
22, Hemu Classic Bldg., Behind LIC Office
Beside Aika Vihar Hotel,
C V Rd. Malad (West), Mumbai 64

Sr. No.	1078/25
Date	22/3/25



2. Mr. Bagade learned counsel for the applicants in ABA/2073/2024, hands over an affidavit cum undertaking dated 22 March 2025 of Mr. Rajendrakumar Hastimal Singhavi and Madhu Rajendra Singhavi partners of RKE Developers. The said affidavit cum undertaking is taken on record and marked as "X2" for identification. All the statement made in the undertaking are accepted as undertaking given to this Court. For ease of reference, the scanned copy of this affidavit cum undertaking is reproduced herein below:

X - 2

6
24/03/25, 24/03
RPoH/C
24/03/25
Foram: Shri Rajesh S. Patil, J

(A)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2073 2024

Date: 24/03/25
For Reg. (J)
24/03

1. RajendraKumar Hastimal Singhavi
2. Smt. Madhu Rajendrakumar Singhavi Applicants

V/s

The State of Maharashtra
(At the instance of
Malad Police Station, 444/2024). ...Respondent.

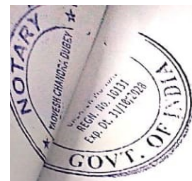
AFFIDAVIT CUM UNDERTAKING

We, **Mr Rajendrakumar Hastimal Singhavi and Madhu Rajendra Singhavi**, PARTNERS of RKE Developer, residing at 607, Shivalika Tower, 90 Feet Road, Thakur Complex, Kandivali East. the Applicants in the aforesaid matter, do hereby solemnly affirm and hereby undertake to this Hon'ble Court as under :

(a) The Applicants state that the pursuant to the Letter of intent (LOI) / intimation of Approvals (IOA), initially the Applicants were been

Madhu R. J.

NOTARY
YADVESH CHANDRA DUBEY
GREATER MUMBAI
REGN. No. 10131
Exp. Dt. 31/10/2028
GOVT. OF INDIA



granted sanctions and permission till 23 floors by the Sra Department. The Applicants state that the Applicant developer have completed the RCC structure till 19 floors and further 4 slabs are pending for completion.

(b) The Applicants hereby agree and undertake to complete the construction till 23 floors and obtain Part Occupation Certificate and shall handover the Possession to the complainants and his family members as mentioned in the FIR of their Respective Flat no. 503,603,703,902,903,1003,1102,1203 and 1401 by 31.12.2025.

(c) The Applicants further state and agree that the construction of the remaining portion upto 33 floors will also be in progress and shall continue and the Complainant shall not object for the same.

(d) The Applicants herein further agree and state that the construction of the building till 33 floors will be completed as expeditiously as possible and possession shall be handed over to the respective flat Purchasers.

Handwritten signature
mashur R -



(e) That the Applicant's herein agree and confirm to complete the construction of the building with support and co-operation of the Society.

Solemnly Affirmed at Mumbai)
Dated this 22nd day of March, 2025)

Handwritten signature
mashur R -

Identified, explained by me;

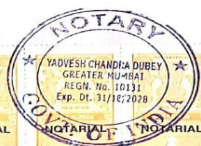
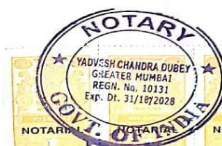
Before me;

Handwritten signature
Advocate for the Applicants.



BEFORE ME
Handwritten signature
22/3/25
YADVESH CHANDRA DUBEY
Advocate & Notary Govt. of India
2-2, Hemu Classic Bldg., Behind LIC Office
Beside Alka Vihar Hotel,
5 V Rd., Malad (West), Mumbai 64

Sr. No.	1077/25
Date	22/3/25



3. Mr. Kanani, learned counsel for the two erstwhile partners of the firm RKE Developers submits that there is no question of his clients Ramesh Gada and Mukesh Nandu filing any kind of undertaking as they had long back resigned the partnership firm RKE Developers. He submits that the document to that effect being a letter written to the remaining partners of the firm and the publication notice in the newspaper have already been attached to the anticipatory bail application no. 1940 of 2024. He submits that hence, there is no question of his clients to filing any kind of undertaking before this Court.

4. Mr. Arora, learned counsel for one of the victim/flat purchaser submits that the copy of the affidavit cum undertaking has been served to him just now in the Court premises. He would like to take instructions from his client and in any case, as of now, he has instructions to argue the matter on merits.

5. Ms. Mehta learned counsel for remaining victims/ flat purchasers submits that she also would like to take instructions from her clients and in any case, as of now, she has instructed to argue the matter on merits.

6. Mr. Karnik, learned counsel for the Society of 90 members submits that his clients are interested in the project being completed in

all aspect including the completion certificate being handed over by the Developer to them and they would be interested that the project should be completed in time as mentioned by the partners of the firm in affidavit cum undertaking submitted by them. He submits that hence, his clients would not be opposing in this Court to granting any kind of protection orders in the anticipatory bail applications.

7. Mr. Mundargi, learned senior counsel and Mr. Bagade learned counsel for the current parties of the firm submits that they have specific instructions that the amount deposited by the 9 victims/flat purchasers, can be deposited in this Court within a period of two months from today. As far as interest, payable for that these 9 victims/flat purchaser, they can approach RERA authorities or any such authorities which they feel can decide the issue about interest payable to them or else these 9 victims/flat purchasers would believe the partners of the RKE Developers firm and wait till December, 2025 like the other members of the Society and take possession of their flats.

8. Mr. Arora and Ms. Mehta submits that they will take instructions from their clients and will come back with their decision on the same issue.

9. Stand over to **1 April 2025** under the caption “**for direction.**”

10. Interim relief granted earlier to continue till the next date of hearing.

(RAJESH S. PATIL, J.)

This order is corrected pursuant to speaking to minutes order dated 27/03/2025