

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2189/2024

PANKAJ K KUBADIA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

WITH

INTERIM APPLICATION NO. 3088/2024

IN

ANTICIPATORY BAIL APPLICATION NO. 2189/2024

WITH

INTERIM APPLICATION NO. 3090/2024

IN

ANTICIPATORY BAIL APPLICATION NO.1940/2024

WITH

INTERIM APPLICATION NO.3089/2024

IN

ANTICIPATORY BAIL APPLICATION NO. 2193/2024

WITH

INTERIM APPLICATION NO. 3132/2024

IN

ANTICIPATORY BAIL APPLICATION NO.2073/2024

SURESH K. SHAH & ORS.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA & ORS.

..RESPONDENTS

WITH

INTERIM APPLICATION NO. 3484/2024

IN

ANTICIPATORY BAIL APPLICATION NO. 2189/2024

**WITH
INTERIM APPLICATION NO.3677/2024
IN
ANTICIPATORY BAIL APPLICATION NO.1940/2024**

**WITH
INTERIM APPLICATION NO. 3456/2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2193/2024**

**WITH
INTERIM APPLICATION NO. 3485/2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2073/2024**

**SIDDHA SHILA CO-OPERATIVE
HOUSING SOCIETY LTD. ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ORS. ..RESPONDENTS**

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1940/2024**

**RAMESH HARA KCHAND GADA & ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT**

**WITH
INTERIM APPLICATION NO. 3135/2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1940/2024**

**WITH
INTERIM APPLICATION NO. 3134/2024
IN**

ANTICIPATORY BAIL APPLICATION NO. 2073/2024

SANJAY MAHENDRA KUMAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO. 2193/2024

KAMLESH PRABHULAL KHANDOR & ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO. 2073/2024

RAJENDRAKUMAR HASTIMAL SINHAVI
& ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aabad Ponda, Senior Advocate a/w. Mr. Jugal Kanani a/w. Ms.
Manisha Prajapati i/b. Vimla & Co. for applicant in ABA/1940/24.

Mr.Avinash Naik, A.PP. for the State.

Mr. Ashok Mishra a/w. Ms. Kinjal Mehta, Ms. Dhara Chauhan, i/b.
Solicis Lex for the intervener in IA/3132/24, IA/3088/24,
IA/3090/24, IA/3089/24.

Mr. Sandeep Karnik for the intervener in IA/3585/24, IA/3484/24,
IA/3456/24, IA/3677/24.

Mr. Vaibhav Bagade a/w. Mr.Aman Kothari, Mr.Meghdeep Oak, Mr.
Dishang Shah for applicant in ABA/2193/24, ABA/2189/24,
ABA/2073/24.

CORAM : RAJESH S. PATIL, J.

DATE : 19th MARCH, 2025

PC. :-

Mr. Bagade, learned counsel appearing for the applicant in ABA/2193/2024 tenders an affidavit-cum-undertaking of Mr.Pankaj Kantilal Kubadia, the partner of RKE Developer. The said undertaking is taken on record and marked 'X' for identification. For ease of reference, a scanned copy of the said undertaking is reproduced hereinbelow :-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2024

21931

1. Mr. Pankaj Kantilal Kubadia Applicants

V/s

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

AFFIDAVIT CUM UNDERTAKING

I, **Mr. Pankaj Kantilal Kubadia**, PARTNER of RKE Developer, residing at 302, 3RD Floor, P – 802, Nikki Palace, Gokhale Road North, College lane, Opp. Potruguese Church, Dadar (West), Mumbai – 400 028, the Applicant in the aforesaid matter, do hereby solemnly affirm and hereby undertake to this Hon'ble Court as under :

(a) The Applicant states 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 Applicant states that the Applicant developer have completed the RCC structure till 19 floors and further 4 slabs are pending for completion.

- (b) The Applicant hereby agree and undertake to complete the construction till 23 floors and obtain Part Occupation Certificate and shall handover the Possession to the complainant by 31.12.2025.
- (c) The Applicant further states 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 Applicant herein further agrees and states that the construction of the building till 33 floors will be completed as expeditiously as possible and shall handover the possession of the flats to the respective flat Purchasers.



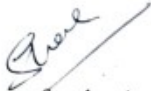
(c) That the Applicant's herein agree and confirm to complete the construction of the building with support and co-operation of the Society.

Solemnly Affirmed at Mumbai)

Dated this 18TH day of March, 2025)

Identified, explained by me;

Before me;


Advocate for the Applicant

ID / Aadhar / PAN / DL: 8150 9262-6296
Seen Org. / POA / Board Resol.:



BEFORE ME


MANISH M. PABALE
B.Sc. LL.M.
ADVOCATE & NOTARY (GOVT. OF INDIA)
04, Natwar Chambers,
94 Nagindas Master Road,
Fort, Mumbai - 400 001.



NOTED & REGISTERED
Page No. 52/89, Sr. No. 590
Date 18 MAR 2025



2. Since the objection is raised that all the partners of the developer's firm have not signed the undertaking, the present undertaking should not be taken on record.
3. Mr.Bagade, on instructions submits that undertaking of four more partners will be tendered before the next date. He requests for a short accommodation.
4. At the request made by Mr.Bagade, stand over to **24th March, 2025**. Matter to come up under the caption of '**Directions**'.
5. Interim protection granted earlier to continue till the next date of the hearing.

[RAJESH S. PATIL, J.]