

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

ANTICIPATORY BAIL APPLICATION NO. 2351 OF 2024

Deepak A. Shah

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Darshan Patankar i/b Mr. Yogesh Devnani, Advocate for the Applicant.

Mr. P. H. Gaikwad, APP for the Respondent/State.

Mr. Ravindra Vishnu-Laxmi Sankpal, Ms. Chanchal Singh, Ms. Prashita Mamodia i/b R.V. Sankpal & Associates.

CORAM : N.R. BORKAR, J.
DATE : 22.09.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 572 of 2024 registered at Dindoshi Police Station, for the offences punishable under Sections 406 & 420 read with 34 of the Indian Penal Code, 1860.
3. The applicant is a developer. The allegations against the applicant are of deceiving the first informant, who had booked one of the flats in the housing project of the applicant and paid

part consideration of Rs.45,00,000/-.

4. The learned counsel for the applicant submits that the applicant could not complete the project in question as promised due to filing of civil suit by the adjacent housing society. It is submitted that thus in 2013 itself the applicant had refunded amount of Rs.21,00,000/- to the first informant. It is further submitted that the alternate flat was offered to the first informant however the same was not accepted. It is submitted that there is a delay of eight years in lodging the FIR. It is submitted that the dispute between the parties is purely of a civil nature and there is no need for custodial interrogation.

5. On the other hand, the learned APP for the respondent-State and the learned counsel for the respondent-first informant submit that the sanctioned plan was changed without any notice to the first informant. It is submitted that the applicant was paying the amount of compensation till the year 2023 as the possession of the flat was not delivered and thus there is no delay in lodging the FIR. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

6. I have perused the reply filed by the investigating officer dated 31.07.2024 before the Sessions Court. It appears from the said reply that the present applicant had paid the amount of Rs. 28,00,000/- to the first informant. The FIR came to be lodged after accepting the said amount. *Prima-facie*, the dispute between the parties appears to be civil in nature. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 572 of 2024 registered at Dindoshi Police Station, for the offences punishable under Sections 406 & 420 read with 34 of the Indian Penal Code, 1860, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

[N.R.BORKAR, J.]