



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

ANTICIPATORY BAIL APPLICATION NO.306/2025

JAIVARDHAN VARSHNEY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Murtaza Noorani a/w. Adv. Roshani Deshmukh, Adv.
Burhanuddin Noorani for the applicant.
Mr. Ajay S. Patil, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 3, 2025.

P.C. :

1. The application is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 for seeking anticipatory bail in connection with C.R. No. 657 of 2024 registered at Wanavadi Police Station, District Pune City, under Sections 406, 420 of the Indian Penal Code (for short 'IPC').

2. The prosecution case in brief is that the applicant was the chief promoter of the housing society and later served as the interim chairman for approximately one year. During this period, he developed a software to assist the society's members in uploading

documents related to the incorporation of the cooperative society. It is his case that, for this purpose, he charged a nominal fee of Rs. 2,200/- per member. Given that the total number of members in the cooperative housing society is 204, a sum of approximately Rs. 5 lakh was deposited into his account as his fee for developing the software. Since the society was not registered at that time, three individuals from the society were authorized to sign the cheques viz. the present applicant, who was the chairman; the first informant, who was the secretary at the relevant time; and Ms. Kirti Shah, who was the treasurer of the society at that time. It is a matter of record that there are currently two rival groups within the society. On 28th September 2024, the present applicant along with four other members of the society filed a consumer complaint with the National Consumer Disputes Redressal Commission (NCDRC) at New Delhi wherein the builder has been made a party, so also, the present first informant is a party respondent. The prayers in the said application read as under:-

a) The present complaint may kindly be ordered to be allowed in toto, please.

b) The Opponents No. 1, 2 and 3, jointly and severally may kindly be ordered / directed to execute and register Deed of Conveyance for an area admeasuring of 37,933.59 Sq. Mtrs. as mentioned in the Agreements, free from any encumbrances or title disputes, in favor of the Opponent 4 i.e. the "Manikchand Malabar Hill Co-operative Housing Society Ltd.", at the costs and consequences of the Opponents No. 1, 2 and 3, please.

- c) The Opponents No. 1, 2 and 3, jointly and severally may kindly be ordered/directed to provide all the amenities and facilities, as mentioned in the Registered Agreements, at the costs and consequences of the Opponents No. 1, 2 and 3, please.*
- d) The Opponents No. 1,2 and 3 jointly and severally may kindly be ordered/directed to provide and allot parking spaces to all the Purchasers in accordance with the provisions of law, at the costs and consequences of the Opponents No.1,2 and 3, please.*
- e) The Opponents No. 1,2 and 3, jointly and severally may kindly be ordered/directed to pay Rs. 1,00000000 (Rs. One Crore only) towards the compensation for causing deficiency in service for indulging into unfair trade practice, for causing mental harassment and agony, for not providing all the common amenities and facilities, as promised by virtue of the Registered Agreements, please.*
- f) Punitive damages of Rs. 50,00000/- (Rs. Fifty Lakhs only) may kindly be awarded from the Opponents No. 1, 2 and 3, as per the provisions of Section 39 (d) of the Consumer Protection Act, 2019 please.*
- g) Cost of this complaint Rs.10, 00000/- (Rs. Ten Lakhs only) may kindly be awarded from the Opponent No.1, 2 and 3, please.*
- h) The Complaints may kindly be allowed to file the present complaint, as joint complaint as per the provisions of Section 35 (1) (A) of the Consumer Protection Act 2019, as stated herein above for which separate application is being filed herewith.*
- i) It may kindly be declared that, the Opponents No. 1, 2 and 3 have caused deficiency in service to the Complainants and have also indulged into unfair trade practise and the Opponents No. 1, 2 and 3 be directed to stop/discontinue the same immediately, please.*
- j) Any other just and equitable orders even if not specifically prayed for, be passed in the interest of justice, please.*

3. The present First Information Report (FIR) has been filed by the first informant around two and half months after the complaint before the NCDRC was filed. The lodging of the FIR dated is shown as 16th December 2024. The ad-interim order was passed by the Sessions Court on 27th December 2024 protecting the applicant from

being arrested. It is the case of the applicant that thereafter, on 1st January 2025 and 2nd January 2025, the applicant had been to the concerned police station to meet the investigating officer Mr. Sanjay Patange, Senior Police Inspector, Wanavadi Police Station, Pune, in order to inform him about the order passed. It seems that Mr. Patange refused to recognize the order of the Court and had in fact said to the applicant that he does not recognize any order passed by this Court. So also, it seems that Mr. Patange has contacted the banks wherein the present applicant had his bank accounts and had told the said banks to freeze his accounts. The details of the bank accounts are as follows:

Sr.No.	Bank name and Branch	Account No.
1.	ICICI Bank, Powai Branch	104101500594
2.	HDFC Bank, Aligarh Branch	03801000016867
3.	HDFC Bank, Worli Branch	02401000070705
4.	HDFC Bank, Versova Branch	00191000131529

It is case of the applicant that due to such illegal act of Mr. Patange, the above accounts of the applicants have been freezed, due to which the applicant is not able to make any kind of transaction from 25th

December 2024 till date. Mr. Patange as of now has not shown any kind of order passed in Court where he had a power to freeze the bank accounts. It seems that he has neither given any kind of notice to the applicant before freezing the accounts.

4. Mr. Patange, Senior Police Inspector is not present today in the Court. The concerned Senior Police Inspector Mr. Patange and the Deputy Commissioner of Police Mr. Rajkumar Shinde, Zone-V, Pune, should remain present in this Court on the next date of the hearing.

5. The learned APP assures that he will communicate this order to both the police officers.

6. In the meanwhile, the bank accounts mentioned herein above in paragraph no.3 of the applicant should be defreezed with immediate effect. The Bank Managers and any other concerned officers of the abovementioned banks should act immediately to that effect on the authenticated copy of this order and not to insist upon the certified copy of this order.

7. Taking into consideration the observations made above, this is a dispute between two factions of society, with one faction supporting the builder/developer. Additionally, the investigating officer has not fulfilled the expected duties and seems to be supporting one faction,

likely due to the developer's affiliation with the opposing side. Therefore, the applicant needs to be protected.

8. In the meanwhile, in the event of arrest in connection with C.R. No. 657 of 2024 registered at Wanavadi Police Station, District Pune City, under Sections 406, 420 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. bond to the extent of Rs. 30,000/- with one or more sureties of the like amount.

9. The applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station, as and when called by giving notice in writing before 48 hours.

10. Stand over to **13th February 2025** under the caption **“for urgent circulation”**.

(RAJESH S. PATIL, J.)