



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.395 OF 2025

SULTAN SIRAJUDDIN YASIN ...APPLICANT
VS
THE STATE OF MAHARASHTRA AND ANR. ...RESPONDENTS

WITH
ANTICIPATORY BAIL APPLICATION NO.426 OF 2025

ARPIT AGARWAL ...APPLICANT
VS
THE STATE OF MAHARASHTRA AND ANR. ...RESPONDENTS

WITH
INTERIM APPLICATION NO.707 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.426 OF 2025

GANESH KANA GHARAT ...APPLICANT
IN THE MATTER BETWEEN
ARPIT AGARWAL ... ORI. APPLICANT
VS
THE STATE OF MAHARASHTRA AND ANR. ...RESPONDENTS

...

Adv. Murtuja Najmi, i/b Vinod Sharma Shramiaka Sathe for the
Applicant in ABA/395/2025.

Adv. Niranjana Mundargi a/w Pranav Chavan i/b Mahesh Menon & Co
for the Applicant in ABA/426/2025.

Adv. Ajay S. Patil, APP for the State.

Adv. Saurabh Butala a/w Shubham Gangam for the Intervener.

Adv. Santosh Pilane, APP for Ulva Police Station, Mumbai.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 10, 2025

PC.:

ANTICIPATORY BAIL APPLICATION NO.395 OF 2025 :-

1. Mr. Najmi, learned counsel for the applicant pointed out that in line no. 1 of paragraph No. 7, the words “**48 flats**” should be corrected as “**28 flats.**”
2. Learned counsel for both the sides have no objection to this correction.
3. The words “**48 flats**” in line no. 1 of paragraph no. 7 be corrected as the words “**28 flats**”. Corrected order be uploaded accordingly.
4. Rest of the order is remained as it is.

ANTICIPATORY BAIL APPLICATION NO.395 OF 2025 :-

1. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.194/2024 registered with Nhava Sheva Police Station, Navi Mumbai, for the offence punishable under Sections 120-B, 420, 406 read with 34 of the Indian Penal Code.
2. By order dated 24 February, 2025, the submissions of the

applicant was noted down. For ease of reference, the order dated 24th February, 2025 is reproduced herein below :-

“INTERIM APPLICATION NO. 706/2025 IN ANTICIPATORY BAIL APPLICATION NO. 395/2025 WITH INTERIM APPLICATION NO. 707/2025 IN ANTICIPATORY BAIL APPLICATION NO.426/2025:-

1. These applications are filed by the informant to add him as party respondent no.2.
2. For the reasons mentioned in the Interim Applications, the applications are allowed in terms of prayer clause 17(ii).
3. Amendment to be carried out within a period of one week from today.
4. The Interim Applications are disposed of accordingly.

ANTICIPATORY BAIL APPLICATION NO. 395/2025:-

5. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.194/2024 registered with Nhava Sheva Police Station, Navi Mumbai, for the offence punishable under Sections 120-B, 420, 406 read with 34 of the Indian Penal Code.

6. The learned counsel for the applicant submits that he is a developer by profession and he had agreement with the informant whereby the informant as landowner agreed to fifty-fifty share as consideration of the constructed area on the subject land. According to the applicant, the total permissible construction of the subject land of 3450 sq. ft. since the available FSI on the subject land was 1.5. Pursuant to such transaction, the applicant was ready to hand over the area of 50% of 3450 sq.ft. The applicant being a developer/builder had paid a sum of Rs.50 lakhs to the informant apart from it he is also supposed to pay consideration in the form of 50% of the constructed carpet area. The applicant also applied for getting an additional FSI on the subject plot granted by the Planning Authority in Pandemic on payment of premium. He submits that Rs.45 lakhs premium for the additional 0.5 construction available. was paid to the Planning Authority. The informant has not shared any expenses in this regard. He submits that the applicant being always ready and willing to hand over 50% of the construction area out of 3450 sq.ft., however, the informant started disputing the said 50% area. In fact, informant went ahead and filed a civil suit before the Civil Judge, Panvel.

7. Total **28 flats** were constructed on the said plot of land and three shops for commercial purpose were constructed and O.C. was granted by the Planning Authority. In the civil suit filed by the informant, no

relief has been granted to the informant till date. However, the informant by using force has occupied around 14 flats and two shops from the said constructed building. The applicant submits that the applicant in any case was always ready to hand over 50% share of 3450 sq.ft. Area to the informant.

8. The learned counsel appearing for the informant seeks short accommodation to take instructions.

9. The learned APP for the State submits that as per the I.O.'s instructions, the present applicant had created third party rights in 26 flats out of 28 flats and in two shops.

10. The learned counsel for the applicant submits that even today without accepting that any crime has been committed by the applicant, the applicant is ready to hand over 50% of the carpet area. In that regard, the applicant is ready to file the affidavit/undertaking.

11. Only for that purpose, the matter is adjourned to 3/3/2025. Matter to come up under the caption "for urgent circulation".

12. The applicant is permitted to file an affidavit/undertaking before the next date of the hearing.

13. In the meanwhile, no coercive steps be taken against the applicant till the next date of the hearing.

ANTICIPATORY BAIL APPLICATION NO. 426/2025:-

14. Stand over to 3/3/2025 under the caption "for urgent circulation."

3. There after the matter was heard by me on 3 March, 2025.

On the said date, the affidavit and undertaking of the applicant was tendered, which was taken on record. For ease of reference, the said order dated 3 March 2025 is reproduced herein below :-

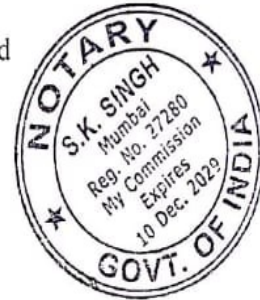
"1. Learned counsel for the applicant has tendered an affidavit and undertaking of the applicant (Sultan Sirajuddin Yasin), dated 2 March 2025. The said undertaking is taken on record and marked as 'X' for identification. A scanning copy of the said affidavit and undertaking dated 2 March, 2025, for ease of reference, is reproduced herein below :

X
Rpld
3/3/2025
13
03/03
(4)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 395 OF 2025

DIST: RAIGAD

Sultan Sirajuddin Yasin	).Applicant
	/Org Accused
Versus	
The State of Maharashtra	)
(At Instance of Through	)
Nhava Sheva Police Station	)
Navi Mumbai) and anr	).. Respondent



AFFIDAVIT AND UNDERTAKING OF THE APPLICANT
SULTAN SIRAJUDDIN YASIN)

I, Sultan Shirajuddin Yasin, Aged 52 Years, Occupation: Business Indian, having address at: B-2001, Sai Pride Building, Sector-18, Sanpada, Navi Mumbai, the Applicant, do hereby states as under:-

1. I say that I am applicant, filed Anticipatory Bail Application before Hon'ble High Court at Bombay.
2. I say that I am developer and engaged in the business of Construction and Development of Land in Residential and Commercial Premises.
3. I say that in the year 2010, the Informant (Ganesh Kana Gharat) and his family met Applicant and requested to developed Plot

fz

Description: Plot No. 385, Sector-17, Ulwe admeasuring 499.86 Sq.mtr. That, after discussion and meeting, it was agreed and decided that both the Parties will share and own 50:50 ratio of developed area.

4. I say that at relevant time, permissible FSI was 1.5 was as per

			Built Up
5	Developed Area in Carpet	8037X85/100 (After taking 15% Loading)	6857.58 sq.ft carpet area
6	Total construction area		6857.58 sq.ft

6. I say that as per MOU, sharing ration of Informant (Ganesh Kana Gharat) along with his family and Applicant on said plot is 50:50 of pro-rata of 6857.58 sq.ft.

I say that I am filing present affidavit cum undertaking before the Hon'ble High Court in present matter. I say that I am liable to give 50% area as mentioned in para 5 as mentioned herein above. I further say that I hereby mentioned as under:-

Sr Nos	SHARING BETWEEN THE INFORMANT (GANESH KANA GHARAT) ALONG WITH HIS FAMILY AND APPLICANT	AREA
1	GANESH KANA GHARAT) ALONG WITH HIS FAMILY	3428.79SF.FT CARPET
2	APPLICANT (DEVELOPER)	3428.79 SQ.FT CARPET



[Handwritten signature]

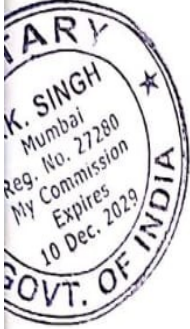
8. I say that I undertake to give area of 3428.79 sq.ft carpet, wherein I always and ready to give. I say that there was misunderstanding in respect of area and dispute arose towards area. I say that I have paid amount towards extra premium FSI on said plot, which is exclusively owned by me and I am having exclusive right on the said area.



I say that I am ready and undertake to get Flat agreement registered in name of Informant (Ganesh Kana Gharat) along with his family for 8 flat area mentioned herein under:-

Sr Nos	Flat Nos	Area (Sq.ft Carpet) and Balcony	
1	103	403.11 Sq.ft + 28.10	
2	202	273.84 Sq.ft + 49.81	
3	203	273.84 Sq.ft + 49.92	
4	301	273.84 Sq.ft + 49.81	
5	302	273.84 Sq.ft + 49.81	
6	404	273.84 Sq.ft + 51.86	
7	504	271.91 Sq.ft + 51.86	
8	703	314.22 sq.ft	
	Total Area	2689.31 sq.ft carpet	

10. I say that within one month, I will get four (4) flats No.103, 202, 203 and 504 registered in name of Informant (Ganesh Kana Gharat) along with his family. I further thereafter next



month thereafter, I will get four (4) flats No.301,302,404 and 703 get registered. I say that thereafter within one month of balance area, I will get registered flat of balance area or in alternative for balance area, I am ready to give amount as per current rate of Rs.6,500/- per Sq.ft or Equivalent area in another project carried / constructed by me. I say that as per Ready reckoner, rate is around Rs.5800/-. I say that Informant (Ganesh Kana Gharat) along with his family are to revert back / give the possession of flats to Applicant. I further say that Informant (Ganesh Kana Gharat) along with his family shall also give consent affidavit and undertaking.

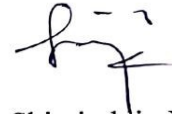
11. I say that as per market current value of area is Rs.6500/- sq.ft. I further say that area of 739.48 X Rs.6,500/- per Sq.ft come to Rs.48,06,620/- (Rupees Forty-Eight Lakhs Six Thousand Six Hundred and Twenty).
12. I say that I have made payment from time to time a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs) to Informant and Family as and when needed to them in the year 2019 apart from Consideration amount of Rs.32,00,000/-.
13. I say that, it was mutually agreed between Informant (Ganesh Kana Gharat) along with his family that actual registration Charges and Stamp duty will be required and to be paid for registration of Flats and same has to borne / to be paid by the Informant and his Family for their respective share. I say that in

year 2024, I was ready for the registration of Flats and on request of Informant and on their Promise , I paid an amount of Rs.4,50,000/-(Rupees Four Lakhs Fifty Thousand) for registration and stamp duty. I say that Registration charges and stamp duty be borne by Informant and their Family for said flats. I say that Informant to pay the registration and stamp duty, as they have already received money towards the same.

14. I say that I have stated herein above is true and correct. I say that same is filed without prejudice to my rights and contention to allegation of the Informant.

Solemnly affirmed at Mumbai)

This 1st day of March, 2025)



Sultan Shirajuddin Yasin

Deponent

Identified by me


Vinod Sharma
Advocate High Court



VERIFICATION

I, Sultan Shirajuddin Yasin, Adult, Aged about 53 years, Occupation Business, Indian, inhabitant of Navi Mumbai, Raigad, do hereby verify and state that whatever has been stated in the above numbered Affidavit and hereinabove is true and correct to the best of my own knowledge and I believe the same to be true.

Solemnly affirmed at Mumbai)

This 1st day of March 2025)

Sultan Shirajuddin Yasin

Deponent

Identified by me

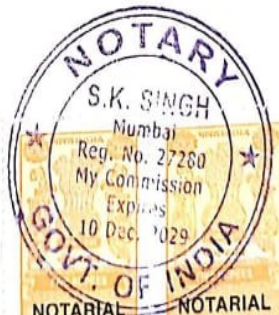
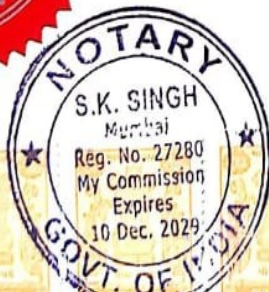
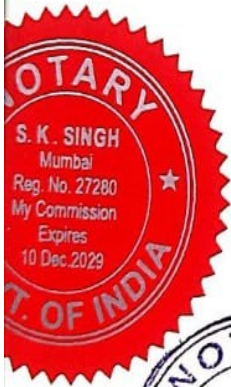
Vinod Sharma
Vinod Sharma
Advocate High Court

BEFORE ME

62-03-25
S.K. SINGH
NOTARY
Government of India
Mumbai

E 2 MAR 2025

NOTED & REGISTERED
Sr. No. 457 Page No. 35
Book No. 04 Date E 2 MAR 2025



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 395 OF 2025
DIST: RAIGAD

Sultan Sirajuddin Yasin).Applicant
/Org Accused)

Versus

The State of Maharashtra)
(At Instance of Through)
Nhava Sheva Police Station)
and anr).. Respondent

AFFIDAVIT AND UNDERTAKING OF
THE APPLICANT SULTAN SIRAJUDDIN
YASIN)



FARIDA M. NAJMI
VINOD SHARMA
ADVOCATE FOR THE APPLICANT
1st FLOOR, PROSPECT
CHAMBERS,
OPP SIDDHART COLLEGE,
OPP THOMAS COOK
MUMBAI – 400001
Mob:9821470990

2. Learned counsel for the intervener/first informant seeks a short accommodation in order to take instructions from his client regarding the undertakings/submissions made in the affidavit and undertaking dated 2 March, 2025 by the applicant.

3. Stand over to **10 March, 2025** under the caption “for urgent circulation.”

4. Ad-interim relief, if any, granted earlier to continue till the next date.”

4. Today, Mr. Butala, learned counsel for the first informant/intervener submits that his client will accept certain area as mentioned in the undertaking without prejudice to their rights and contentions and about the balance disputed portions, they will argue the said issue in the Civil Court.

5. The present application is filed for pre-arrest bail. The dispute between the parties according to me, appears to be civil in nature. Therefore, I am convinced that the physical custody of the applicant is not necessary and the anticipatory bail application requires to be allowed. Hence I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.194/2024 registered with Nhava Sheva Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the concerned police station on 17/3/2025 and 18/3/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential address, contact number and email address to the Investigating Officer.

6. The anticipatory bail application is disposed of as allowed.

7. By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influence by any of the observations made hereinabove.

ANTICIPATORY BAIL APPLICATION NO.426 OF 2025 :-

1. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.194/2024

registered with Nhava Sheva Police Station, Navi Mumbai, for the offence punishable under Sections 120-B, 420, 406 read with 34 of the Indian Penal Code.

2. The present anticipatory bail application is filed by the applicant who claims to be a partner of M/s. Divine Dolphin Enterprises. The present applicant has been alleged to the developer along with applicant no.1 (Sultan Sirajuddin Yasin) in Anticipatory Bail Application No. 395/2025.

3. In view of the fact that the applicant/accused (Sultan Sirajuddin Yasin) has been granted pre- arrest bail, according to me, even the present applicant should be granted pre-arrest bail. Hence I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.194/2024 registered with Nhava Sheva Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend the concerned police station on 17/3/2025 and 18/3/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential address, contact number and email address to the Investigating Officer.

4. The anticipatory bail application is disposed of as allowed.
5. By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influence by any of the observations made hereinabove.

INTERIM APPLICATION NO.707 OF 2025 IN ANTICIPATORY BAIL APPLICATION NO.426 OF 2025 :-

In view of disposal of anticipatory bail application, pending interim application is also disposed of accordingly.

(RAJESH S. PATIL, J.)