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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 579 OF 2025

Vallabhbhai Vashrambhai Italia & Anr.

..... Applicants

VERSUS

State of Maharashtra

..... Respondent

Mr. Anil Patel for the Applicants.

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

Mr. Ganesh Torgal, A.P.I., MHB Colony Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 13th MARCH, 2025

P.C. :-

Mr. Patel, learned counsel appearing for the applicants seeks liberty to add the first informant as party respondent no.2. Liberty as prayed, is granted. Amendment to be carried out forthwith. It is made clear that if the amendment is not carried out, the anticipatory bail application to stand dismissed without further reference to Court. The learned A.P.P. to serve a copy of the present proceedings upon the newly added respondent/first informant through Investigating Officer.

2. Apart from the Court notice, the applicants are permitted to serve the first informant by private notice and file affidavit of service

before the next date of the hearing.

3. Mr.Patel submits that the applicants are in business of developing properties. There were transactions of sale of flats with the first informant. The applicants were not able to develop the building where the flat was situated due to the stay to the project granted by the City Civil Court. Now the stay has been uplifted and the construction can be started and the construction would be completed within a period of two years from today. He submits that the applicant will file an affidavit-cum-undertaking wherein it will be stated that if the first informant is ready to occupy the flat as agreed earlier, they are ready to handover the flat duly constructed along with OC within a period of two years and in case, the first informant is not interested in taking the flat, in that situation, the applicants will return back his money alongwith interest at the rate of 12%.

4. Let such an affidavit cum undertaking be filed by Tuesday, 18th March, 2025. Matter to come up on **19th March, 2025**, under the caption of '**Urgent Circulation**'.

[RAJESH S. PATIL, J.]