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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. Raghuvir V. Natu, Complainant present in person.

CORAM : RAJESH S. PATIL, J.

DATE : 19th MARCH, 2025

P.C. :-

The learned counsel for the applicants has tendered affidavit cum undertaking of Mr. Vallabhbhai Vashrambhai Italia and Mr. Rajesh Kantilal Shah. The said undertaking is taken on record and marked 'X' for identification. For ease of reference, the said undertaking is reproduced hereinbelow :-

X
RPA/C
19/3/2025
Tending in of 19/3/25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 579 OF 2025
(FOR ANTICIPATORY BAIL)

DISTRICT: MUMBAI

Vallabhbhai Vashrambhai Italia & Another
Versus
State of Maharashtra
(At the Instance of MHB Colony Police Station)

...Applicants.
...Respondent.

AFFIDAVIT CUM UNDERTAKING

We, (1) Vallabhbhai Vashrambhai Italia, Age 63 yrs, occupation Business; Residing at 2/A/1501, Rustomjee Rejency, Jaywant Sawant Road, Nr. Rustomjee, Business School, Dahisar (West), Mumbai – 400 068; and (2) Rajesh Kantilal Shah Age: 59 yrs, Occupation: Business, Residing at 2/A/14, Rustomjee Rejency, Jaywant Sawant Road, Nr. Rustomjee, Business School, Dahisar (West), Mumbai – 400 068; the above named Applicants, do hereby solemnly affirm and state as under:-

1. We say that, we are the Partners of Shree Hans Realtors LLP, A partnership firm carrying on business of construction and development since 2009. We say that in a span of 15 yrs, we have completed 4 Building and have procured occupation certificate and have allotted approx. 146 flats to the prospective allottees/purchasers.

JAGDISH TRYAMBAKRAO DONGARWANE
GOVT. OF INDIA
Reg. No. 10302
NOTARY

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GOVT. OF INDIA
Reg. No. 10302
NOTARY

2. We say that we are filing this affidavit cum undertaking pursuant to the order dated 13.03.2025 passed in the above application in connection to FIR bearing No. 73 of 2025.
3. We say that as on today, the applicants have to refund a sum of Rs. 51,00,000/= as principal amount. We say that the complainant had paid Rs. 64,00,000/= being advance for booking of one flat in the project to be developed at Plot No. 169, Jawahar Nagar, Goregaon (West), Mumbai - 400104. We say that a sum of Rs. 13,00,000/= has been refunded to the complainant and therefore a sum of Rs. 51,00,000/= is to be refunded to the complainant being the principal sum.
4. We say as there is in the year 2013, we wanted to construct residential building and on account of court litigation which went on for more than 6 yrs, the project got delayed and therefore residential project was not viable and therefore, as per new DCPR 2034, we are constructing commercial building in the said project. We are ready to handover vacant and peaceful possession of new office admeasuring 268 sq.ft of Rera Carpet Area, on the 6th floor, in a building to be constructed on the said being Plot No. 169, Jawahar Nagar, Goregaon (West), Mumbai - 400104. The per sq.ft of Rera carpet area will be Rs. 35,000/= and the total cost of new office will be Rs. 93,80,000/- (Excluding GST, Stamp Duty, Advance Maintenance charges). The Applicants shall handover vacant

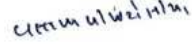


Chaturajul wairan

and peaceful possession of new office within 3 yrs from the date of receipt of full commencement certificate by obtaining part/full occupation certificate. After adjusting the principal sum of Rs. 51,00,000/= and interest thereon, the complainant or Applicants shall pay the difference of the amount to either parties.

5. We say that whatever stated here in above is true and correct.


Advocate for the Applicants
ANIL S. PATEL
B.Com LL.M Advocate, High Court
101, Satyadeep Enclave,
Building No.9, Vivek College Road,
Opp. Bulbul School, Siddharth Nagar IV,
Goregaon (West), Mumbai - 400 104.


Applicant No. 1

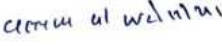

Applicant No. 2

VERIFICATION

We, (1) Vallabhbhai Vashrambhai Italia, Age 63 yrs, occupation Business; Residing at 2/A/1501, Rustomjee Rejency, Jaywant Sawant Road, Nr. Rustomjee, Business School, Dahisar (West), Mumbai - 400 068; and (2) Rajesh Kantilal Shah Age: 59 yrs, Occupation: Business, Residing at 2/A/14 Rustomjee Rejency, Jaywant Sawant Road, Nr. Rustomjee, Business School Dahisar (West), Mumbai - 400 068; the above named Applicants, do hereby on solemnly declare and state that whatever is stated in the aforementioned paragraphs are true and correct to the best of my knowledge, belief and information, which we believe to be true.

Solemnly affirmed at Mumbai)

On 19th day of March, 2025)


1. Vallabhbhai Vashrambhai Italia


2. Rajesh Kantilal Shah

BEFORE ME


JAGDISH TRYAMBAKRAO DONGARDIVE
Advocate High Court & Notary, (Govt of India)
Rahul Chawl Committee, Kranti Nagar,
Akurli Road, Kandivali (East),
Mumbai-400 101.

NOTARIAL
REG. SR. NO
5711/R/2025













2. The first informant is present in Court. He is a senior citizen. He seeks to appoint an advocate from the Legal Aid Panel to represent him in the present proceedings.

3. Mr.Sakshat Relekar, Advocate is appointed to represent the first informant.

4. Registry to send a copy of these proceedings upon the Advocate Mr.Sakshat Relekar.

5. Stand over to **27th March, 2025.**

[RAJESH S. PATIL, J.]