

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

Anticipatory Bail Application No. 2177 of 2025

Kamalesh Kanayalal Gandhi and Anr. ... Applicants

versus

The State of Maharashtra ...Respondent

Dr Abhinav Chandrachud a/w Mr Pavan S Patil a/w Mr Vikas Potghan a/w Mr Nitin Jagtap a/w Mr Shubham Saraf, for the Applicants.

Mr Anand Shalgaonkar, APP, for Respondent / State.

PSI A N Katpale, Dighi Police Station, is present.

Coram: R.N. Laddha, J.

Date: 5 August 2025

P.C.:

. The learned Counsel for the applicants submits that the entire case hinges solely upon documentary evidence, all of which are public records readily available with MHADA Authorities. The applicants are willing and prepared to provide copies of these documents to the Investigating Officer and have expressed their readiness to remain present before him for any necessary enquiries.

2. The learned Counsel further submits that all transactions and agreements in question were executed during the year 2022 and in the early part of 2023. Consequently, there is an

unexplained delay of more than 2 years in the registration of the present FIR, which raises serious concerns about the bonafides of the FIR. The learned Counsel emphasises that there is not a single complaint lodged by any beneficiary belonging to the EWS or LIG categories against the present applicants in connection with any unit of the said project. The complainant has deliberately disregarded several correspondences addressed by the applicants to the MHADA Authorities, wherein the applicants had submitted detailed lists of allottees from time to time. In addition, the complainant has failed to take into consideration the expressed provisions of Rule No.3.8.2 (iii) of UDCPR. This Rule explicitly permits developers to sell residential units in the open market in the event that MHADA fails to furnish a list of eligible allottees within a period of six months from the date of intimation received from the promoter/developer.

3. In the present case, the applicants had duly intimated MHADA in June 2021, and the impugned units were sold thereafter via registered agreements dated 7 December 2022, well beyond the six-month statutory period. Moreover, the complainant has suppressed the material fact that one of the EWS/LIG beneficiaries, namely Satish Yashwant Bambale, was allotted Flat No.A-401 in the said scheme, and the applicants

have duly executed a registered agreement in accordance with the allotment letter dated 24 January 2023 issued by MHADA.

4. It is also submitted that the complainant has suppressed the fact that the applicants have paid 10% of the value of the MHADA units pertaining to all three impugned flats as administrative charges to the MHADA authorities. These payments were made as per the respective allotment letters issued by the competent authority, thereby ensuring that no loss whatsoever has been caused to the Government. The learned Counsel further submits that the present dispute primarily involves interpretation of the UDCPR provisions and MHADA's internal administrative procedures. As such, according to the learned Counsel, the matter is civil or at most quasi-regulatory in nature and does not warrant criminal proceedings.

5. The learned APP, however, seeks an accommodation to take further instructions.

6. By consent, stand over to 2 September 2025. There shall not be any coercive action against the applicants in the present crime till the next date. In the meantime, the applicants shall attend the concerned Police Station on 11th, 12th and 13th August 2025 between 11:00 a.m. and 2:00 p.m., provide all the

necessary details and documents and cooperate with the investigation.

(R.N. Laddha, J.)