

Prasad Rajput
(P.A.)

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

ANTICIPATORY BAIL APPLICATION NO.2523 OF 2022

Jaydeep Suryakant Gadkari .. Applicant
Versus
State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO.49 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.2523 OF 2022**

Asavari Vitthal Otawkar and Ors. .. Applicants
Versus
State of Maharashtra and Anr. .. Respondents

**WITH
INTERIM APPLICATION NO.3094 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2523 OF 2022**

Samir A. Thakker .. Applicant
Versus
State of Maharashtra and Anr. .. Respondents

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- Mr. Manoj Harit i/by Manoj Harit & Co. for Applicant.
- Mr. Jainesh Jain a/w Mr. Rohit Rajbhar h/f Mr. C.K.Talekar, Advocates for Intervenor.
- Mr. Y.Y. Dabke, APP for State.
- PI – Kiran Unde, Chembur Police Station, Mumbai, present.

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CORAM : MILIND N. JADHAV, J.
DATE : JUNE 20, 2025

P.C.:

1. Heard Mr. Harit, learned Advocate for Applicant; Mr. Jain, learned Advocate for Intervenor and Mr. Dabke, learned APP for State.

2. This is a group of three proceedings. Anticipatory Bail Application No.2523 of 2022 is filed seeking anticipatory bail. Applicant is protected by an interim order.

INTERIM APPLICATION NO.3094 OF 2022:

3. First Informant – Samir Talekar has filed Interim Application No.3094 of 2022 seeking certain reliefs. However, when the matter is called out, he is not present in the Court today to prosecute his case.

4. Mr. Harit, learned Advocate for Applicant in Anticipatory Bail Application would inform Court that dispute with the First Informant – Samir Talekar and Applicant has already been settled by virtue of consent terms having been filed before the Division Bench of this Court in Contempt Petition No.20/2016 in Suit No.887/2014 by order dated 11th October, 2024. He would submit that in that view of the matter nothing survives in the matter insofar as grievance of First Informant - Complainant is concerned. He would submit that, that is the reason why First Informant is not present today to prosecute his Interim Application. Copy of the consent terms between First Informant and Applicant dated 11th October, 2024 passed by Division Bench of this Court is already placed on record.

5. In that view of the matter and considering the above, Interim Application No.3094 of 2022 stands disposed as infructuous.

INTERIM APPLICATION NO.49 OF 2025:

6. Interim Application No.49 of 2025 is filed by Asavari Vitthal Otawkar and Ors. seeking intervention in the Anticipatory Bail Application. Learned holding Advocate would inform the Court that Advocate Mr.Talekar who is 72 years old appears for Applicant - Asavari Vitthal Otawkar and Ors. He would submit that she has a grievance against the Applicant who is the developer. According to Mr. Harit, learned Advocate for Applicant – Developer the said - Asavari Vitthal Otawkar and Ors. have already approached RERA with an identical complaint which is the subject matter of their Interim Application and have procured an order dated 3rd April, 2025, copy of which is handed over to Mr.Jain, holding Advocate for Mr. Talekar. He is directed to hand over the same to Mr. Talekar.

7. In view of the above observations which are duly supported by orders and also confirmed by Mr.Dabke, learned APP for State. The First Informant has ironed out his disputes with Applicant developer which no longer prevail. Present Anticipatory Bail Application therefore has to be allowed in accordance with law.

8. Be that as it may, if the Otawkars have any grievance they will have to consider seeking appropriate relief in the appropriate forum in view of the order dated 3rd April, 2025 passed by RERA, copy of which is handed over to Mr. Jain in Court today. In my *prima facie*

opinion, Interim Application No.49 of 2025 is not maintainable at all. However, since request is made by Mr. Jain to hear Mr. Talekar and to enable him to address the Court, matter is adjourned for the next date. It is clarified that if Mr. Talekar is unable to come to the Court on the next date, he is requested to appear through VC.

9. Stand over to **4th July, 2025**. To be listed under the caption **‘For Passing Order’** in Anticipatory Bail Application No.2523 of 2022 and Interim Application No.49 of 2025.

10. Interim Application No.3094 of 2022 is disposed.