



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

ANTICIPATORY BAIL APPLICATION NO. 395/2025

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

GANESH KANA GHARAT ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS
WITH
ANTICIPATORY BAIL APPLICATION NO. 426/2025

ARPIT AGARWAL ..APPLICANT
VS.
STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. Murtaza Najmi a/w. Ms. Sharmika Sathe, Mr. Vinod Shar for
applicant in ABA/395/2025.
Ms. Rutuja A. Ambekar, APP for the State.
Adv. Shubham Gangan i/b. Adv. Saurabh Butala for the intervener in
Interim Applications.
API Suresh Kharat, Ulawa Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 24, 2025.

P.C. :

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 48 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”.

(RAJESH S. PATIL, J.)