

318(3), 318(4), and 3(5) of the Sanhita and under Section 13(1) of the Maharashtra Ownership Flats (Regulation Of The Promotion Of Construction, Sale, Management and Transfer) Act, 1963 (“**MOFA, Act**”).

3. As per the prosecution case, the Applicants are the builders and although the flats purchased by the flat purchasers have been handed over to them, various amenities as promised have not been provided, and the Applicants have also not complied with the provisions of the MOFA.

4. It is the case of Mr. Sawant, Learned Senior Counsel for the Applicants that the Applicants are senior citizens. Applicant No. 1 is of 84 years and Applicant No. 2, is a lady of 72 years. He further submits that the said crime is of the year 2016 and possession of the flats had been handed over. He further submits that the charge-sheet is already filed, and therefore, the anticipatory bail may be granted.

5. On the other hand, Ms. Mulekar, Learned APP strongly opposes the application. She submits that as the Applicants have violated the provisions of MOFA, the application be rejected.

6. However, perusal of the record shows that the charge-sheet is already filed. Thus, investigation is completed. The Applicant No. 1, is a senior citizen of 84 years and Applicant No. 2, is a lady of 72 years,.

7. Thus, in the facts and circumstances, case is made out for grant of anticipatory bail. In view thereof, the following order is passed:

ORDER

- a) In the event of arrest of the Applicants, namely, Yashwant Govind Sakhare and Mrs. Usha Yashwant Sakhare in connection with C.R. No. 164 of 2025 registered with Kharadi Police Station, Pune City, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs. 50,000/-, each, with one or two solvent sureties in the like amount.
- b) The Applicants shall attend the concerned Police Station as and when called by the investigating officer and shall cooperate with the investigation.
- c) The Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any

change thereto.

- d) The Applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- e) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- f) The Applicants shall not leave India without prior permission of the concerned learned Trial Court/Sessions Court.

8. The Anticipatory Bail Application is *disposed of* accordingly.

[MADHAV J. JAMDAR, J.]