

MHTH230014392025 	CRI. BAIL APPLICATION No.764/2025 Grevin Ignatius Rodrigues Vs. State - Arnala Police Station
MHTH230014382025 	CRI. BAIL APPLICATION No.765/2025 Jonas Simon Tuscano Vs. State - Arnala Police Station
MHTH230015192025 	CRI. BAIL APPLICATION No. 797/2025 Nilesh Augustine Dabre and Milan Nilesh Dabre Vs. State - Arnala Police Station

COMMON ORDER BELOW EXH.1
(Date: 21/08/2025)

Criminal Bail Application No. 764/2025 is filed by applicant Grevin Ignatius Rodrigues. Criminal Bail Application No. 765/2025 is filed by applicant Jonas Simon Tuscano. Criminal Bail Application No. 765/2025 by applicant Nilesh Augustine Dabre. All these applications are arising out of one crime No.195/2023, registered with Arnala Police Station, for the offence punishable under sections 420, 409, 406, 465, 467, 468, 471, 474, 120-B, 34 of Indian Penal Code, 1860 and u/s. 3 & 4 of MPID Act, 1999. Therefore, all applications are taken together for decision by a common order.

2] Heard learned counsel appearing for respective applicants. Heard learned APP. Heard I.O. Perused application, say and the Police papers.

3] The role of applicant Grevin Ignatius Rodrigues of ABA No. 764/2025 was of an agent. Due to his intervention, other applicants Jonas Simon Tuscano, Nilesh Augustine Dabre and Milan Nilesh Dabre sold their respective flats to the purchasers. They invested the money for buying the flats from the partnership firm, namely Capcon Ventures. They paid the consideration of ₹.14,00,000/- against each flats, knowing that the possession of the flat premises is not been given by the builder to them. However, in agreements made by them with respective purchasers, it was specifically mentioned that they are having the possession of the respective flats and they are handing over the same to the purchasers. They earned profit on the amount of their investments.

4] For making transactions, they with the help of co-accused Hemraj Mali, prepared certain bogus documents to facilitate the sale transactions. A perusal of the FIR, it is appearing that accused Hermaj Mali and his wife Mamta Mali played vital role in commission of crime, particularly the offence punishable under MPID Act. The role of Jonas Simon Tuscano, Nilesh Augustine Dabre and his wife Milan Nilesh Dabre, was as of investors, who invested their money in buying the flats from the partnership firm and further selling the same to purchasers. In said transactions, they earned money. But prima facie, no meeting of mind of these applicants with

co-accused Hemraj Mali and Mamta Mali is appearing. They paid certain money to Hemraj for facilitating the no objection certificate for effecting the sale transactions. It is not appearing that since the inception, they were the members of conspiracy hashed by Hemraj and his wife Mamta Mali. The fact that when they sold the flats to the respective purchasers, the construction was not complete. Thus, prima facie it is not appearing that they deceived the purchasers of the flats that too, as a member of conspiracy hatched by Hemraj Mali and his wife Mamta Mali. Their act was of investing money and earning profits by purchase and sale of flats in the building constructed by Capcorn Ventures, a partnership firm. In absence of substantial material to recall the order of grant of interim protection from arrest, the said interim order is made absolute on same terms and conditions, except condition no. 2(i), which is replaced as, that they shall attend the office of EOW Mira Bhayander, Vasai Virar Police Commissionerate, as and when required by the I.O. and they shall attend the trial regularly and they shall not leave the State of Maharashtra, without the prior permission of the Court and they shall deposit their passports, if any, to the I.O. Accordingly, all these three applications are disposed of.

sd/-

Vasai.

(H.S. Satbhai),

Date :21/08/2025.

Additional Sessions Judge-1, Vasai.