

MH060021382026



Order below Exh.1 in Criminal Anticipatory Bail Application
No.1058/2026

1. This bail application is filed under section 482 of BNSS for grant of anticipatory bail to the applicant viz. **Bhushan Shyam Sonawane** for an offence punishable under sections 318(4), 316(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 registered at Manpada Police Station, vide C.R. No.1481/2025.

2. **Facts of the case**

Applicant agreed to sell Flat No.101 in Fly Residency, Building No.8, Kalyan (East) to the informant. He accepted Rs.17,80,000/- by way of consideration in the year 2020. However, applicant failed to deliver possession of the flat to the informant and hence, informant has filed FIR against the applicant and co-accused.

3. **Grounds for anticipatory bail**

Applicant has prayed for anticipatory bail on following grounds :

- i. The dispute is purely of civil and contractual nature.
- ii. There was no dishonest intention since inception of the contract.

- iii. The applicant and informant have settled the dispute and entered into Memorandum of Understanding on 15.11.2025.
- iv. He is ready and willing to amicably resolve the dispute.
- v. He has already paid an amount pursuant to the settlement agreement.
- vi. He is permanent resident of Thane District and hence, there is no possibility of his absconding.
- vii. No custodial interrogation is required.
- viii. The entire case of prosecution is based upon documentary evidence.

4. Say of Investigation Officer

Investigation Officer filed say at Exh.5 and opposed bail application on following grounds :

- i. FIR is registered in the name of applicant.
- ii. He has cheated the informant for Rs.17,80,000/-.
- iii. There is possibility of his absconding.

5. Heard Ld. Adv. Sunny Jain for applicant/accused.
Heard Ld. A.P.P for State and Investigation Officer.

Reasons

6. Admittedly, the applicant entered into an agreement to sell flat no.101 in Fly Residency, Building No.8 to the informant for consideration of Rs.17,80,000/-. The Memorandum of Understanding entered into between the parties, produced with list at Exh.3 shows that the informant has paid full consideration

of Rs.17,80,000/- to the applicant. However, applicant failed to deliver possession of the flat to the informant. By virtue of the Memorandum of Understanding dated 15.11.2025 applicant has undertaken to repay the whole consideration to the informant within six months from the date of the agreement as well as to pay Rs.5,000/- per month as an excess payment. The contentions in the FIR and the Memorandum of Understanding prima-facie show that the dispute between the parties is purely of civil nature. The case is based upon the documentary evidence. Nothing is to be recovered from the applicant. He is not habitual offender. He is permanent resident of Thane District and therefore, there is no possibility of his absconding. Say of the Investigation Officer does not disclose the apprehension of tampering with the prosecution witnesses. As a result, applicant is entitled to be released on anticipatory bail. Hence, I pass following order :

ORDER

- 1] Application is allowed.
- 2] Manpada Police Station is directed to release applicant **Bhushan Shyam Sonawane** on executing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand Only) in the event of his arrest in connection with C.R.No.1481/2025 registered for the offence punishable under sections 318(4), 316(2), 3(5) of Bharatiya Nyaya Sanhita 2023 subject to conditions that :-
 - a) He shall cooperate in the investigation.
 - b) He shall attend the concerned police station as and when required by Investigation Officer till filing of charge-sheet.

- c) He shall not commit any other offence.
- 3] Copy of the order be forwarded to concerned Police Station.

Kalyan.
03.07.2026

(V. S. Deshmukh)
Additional Sessions Judge,
Kalyan.