

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

ANTICIPATORY BAIL APPLICATION NO. 2229 OF 2023

Sumitra Ravindra Singh & ors. ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. R. R. Mishra, for the Applicants.
Mr. R. M. Pethe, APP for the State/Respondent.
PSI S. G. Deshmukh, Khadakpada Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 29th AUGUST, 2023

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.85 of 2023 registered with Khadakpada Police Station, Thane, for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 ("the Code").
3. The applicants had allegedly purchased the property from the first informant for a consideration of Rs.11,21,000/-. The applicants neither paid the said consideration nor delivered the possession of the flats, which were to be developed by the applicants, to the first informant.

4. The learned Counsel for the applicants submitted that the applicants were not delivered the possession of a major portion of the property. Hence, a dispute arose between the applicants and the first informant, which is of a civil nature. There was no intention to deceive the first informant.

5. In opposition to this, Mr. Pethe, the learned APP, submitted that the applicants have allegedly deceived other persons in similar fashion.

6. In view of the nature of the accusation, it would be appropriate to implead the first informant as a party respondent to this application.

7. Hence, the following order:

: O R D E R :

(i) Let the first informant be impleaded as a party respondent to this application.

Necessary amendment be carried out forthwith.

(ii) Issue notice to the respondents.

(iii) The learned APP waives notice for respondent No.1.

- (iv) In addition to notice through Court, the applicants are at liberty to serve respondent No.2 by private service and file affidavit of service.
- (v) In the meanwhile, in the event of arrest of the applicants in connection with CR No.85 of 2023 registered with Khadakpada Police Station, Thane, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.
- (vi) The applicants shall cooperate with the investigation and attend Khadakpada police station, Thane, on every Sunday in between 10.00 am. to 12.00 noon till the next date.
- (vii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any person acquainted with the facts of the case.
- (viii) Stand over to 3rd October, 2023.

[N. J. JAMADAR, J.]