

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.261 OF 2015

Parul Naresh Barot and Ors.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

WITH
CRIMINAL APPLICATION NO.219 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.261 OF 2015

M/s.Kothari Fabtex Private Limited	...	Interveners
------------------------------------	-----	-------------

IN THE MATTER BETWEEN

Parul Naresh Barot and Ors.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.D.R.Singh, for the Applicant.
Ms.PP.Shinde, APP for the Respondent – State.
Mr.Darshan Ashar i/b M/s.Sanjay Udeshi & Co., for the Intervenor.

CORAM : REVATI MOHITE DERE, J.
DATED : 9th MARCH, 2015.

PC.

1. Heard learned counsel for the applicants and learned APP for the Respondent – State.

2. At the outset, learned counsel for the applicants seek leave to withdraw the prayer for Anticipatory Bail Application, qua the applicant no.3 – Shailesh S. Mistry, as this Court is not inclined to grant any protection to him, in the facts of the present case. As far as applicant nos.1 and 2 are concerned, they are wives and partners of 'Pratham Associates' and 'Pragati Developers'. The complaint which is lodged as a FIR does not set out the exact role played by the present applicant nos.1 and 2. Admittedly, the complainant had never met the applicant nos.1 and 2 and they were not party to the disbursement of the loan, done by a private party as against the flat. The only allegation as against them is that the mortgaged flat was transferred in the name of the applicant no.2. However, considering the fact that no representation was made by applicant nos.1 and 2 to the complainant and the fact that the applicant nos.1 and 2 are ladies, the custodial interrogation of the applicant nos.1 and 2 is not required. Accordingly, I pass the following order ;

ORDER

- i) The application is allowed, qua Applicant no.1 – Parul N. Barot and Applicant No.2 – Urvi S. Mistry
- ii) As far as Applicant no.3 – Shailesh S. Mistry, is

concerned, his application seeking anticipatory bail is rejected.

- iii) In the event of their arrest, Applicant nos.1 and 2, shall be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;
- iv) The Applicant nos.1 and 2, shall attend the L.T.Marg Police Station, Mumbai, as and when called for by the Investigating Officer ;
- v) The Applicant nos.1 and 2 shall not tamper or attempt to influence any person concerned with the case ;
- vi) The Applicant nos.1 and 2 shall co-operate in the conduct of the trial ;

3. The Application is allowed and disposed of in above terms.

4. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

5. Parties to act upon the authenticated copy of this order.

6. In view of the disposal of the Criminal Anticipatory Bail Application No.261 of 2015, Criminal Application No.219 of 2015 does not survive and the same is disposed of.

(REVATI MOHITE DERE, J.)