

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 169 OF 2016

Jaydev Jayant Prabhu ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Kiran Kulkarni i/b. Kulkarni & Associates for the Applicant
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 17, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.3 of 2015 registered with Khandeshwar Police Station, Navi Mumbai, for offences punishable under Section 420 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Kulkarni, the learned counsel for the applicant and the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that the complainant and the applicant were married in the year 1995. The marital dispute between the complainant and the applicant led to filing of the divorce petition in the year 2009. The suit was decreed by mutual consent in the year 2010. It is not in dispute that it was agreed between the parties that the bungalow situated at Plot no.8, Road no.2, Sector19, New Panvel, District Raigad, would be sold and half of the sale proceeds would be paid to the complainant. Since the complainant has not received the said amount, she has lodged the FIR, pursuant to which the aforesaid crime has been registered.

4. The learned Counsel for the applicant submitted that the applicant has already paid the sum of Rs.13 lakhs to the complainant and that he is ready to pay the balance amount. Even otherwise, the dispute appears to be regarding non compliance of the terms and conditions of the decree. In my considered view, this is not a case which would require custodial interrogation. Even otherwise, the applicant is a permanent resident of Panvel, District Raigad. There is no possibility of the applicant absconding. The applicant has no criminal antecedents.

5. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:

- i) In the event of arrest of the applicant in Crime No. 3 of 2015 registered with Khandeshwar police station, Navi Mumbai, the applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC, Panvel.
- ii) The applicant shall report to the Investigating Officer for four days from 10 a.m. to 1.p.m. from the date of receipt of this order for the purpose of investigation and interrogation.

(ANUJA PRABHUDESSAI, J.)