

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

ANTICIPATORY BAIL APPLICATION NO. 784 OF 2016

Monica Joseph D'Souza & Anr.	.. Applicants
Versus	
The State of Maharashtra & Anr.	.. Respondents

Mr. Niranjana Mundargi i/b Mr. A.V. Chatuphale, Advocate for the Applicants.

Ms. S.S. Kaushik, A.P.P for the Respondent – State.

Mr. Vishal Kanade i/b Mr. D.D. Singh, Advocate for Respondent No.2.

Mr. P.J. Yele, P.I. Charkop Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 28th NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.9 of 2012 for the offences punishable under sections 420, 465, 466, 467, 468, 471, 181, 182, 200, r/w. 120-B, 34 of the I.P.C.

2 It is claimed that the incident in question took place in between 29.04.2003 to 02.02.2012 for which F.I.R. came to be lodged on 09.10.2012.

3 The claim of the complainant as is reflected in the F.I.R. is that the accused persons who are co-owners along with the practicing fraud has transferred portion of the immovable property to which they were not entitled to or were not having any title.

4 This Court has protected the applicants vide its order dated 12.05.2016.

5 Since last about more than 5 months, applicants are on ad-interim protection.

6 The entire fraud as has been claimed is placed on the documentary evidence. Both the applicants and complainant have now parted with the possession of the property including the disputed portion to common developer who is developing it independent dispute between the parties.

7 Prima facie what could be gathered in the entire prosecution story is based on the documentary evidence. The applicants are very much available for the investigation who are also co-owners with the complainant of the property in question.

8 In view thereof, application needs to be allowed. In the event of arrest, the applicant be released on bail on executing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount. The applicant shall attend investigating officer on 6th, 8th and 14th December 2016 between 10.00 a.m. to 12.00 noon and thereafter as and when called. The applicant shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)