

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 961 OF 2016

Mrs. Kamini Ashwin Shah	..Applicant.
Vs.	
The State of Maharashtra & Anr.	..Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 834 OF 2016

Mr. Vikas Kantilal Mehta & Anr.	..Applicants
Vs.	
The State of Maharashtra & Anr.	..Respondent

Mr. Dharam Sharma i/b Dharam & Co., for Applicant in ABA 834 of 2016.
Ms. Uma Sharma for applicants in ABA 961 of 2016.
Mrs. J.S. Lohokare, APP for State.
Mr. Kadam, API, Dr. D.B. Marg Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 3rd May 2017.

P.C.

1] The applicant in A.B.A. No.961 of 2016 is granted interim relief by an Order dated 9th June 2016 and the applicants in A.B.A. No.834 of 2016 are granted interim relief by an Order dated 6th May 2016.

2] The applicant in A.B.A. No.961 of 2016 is the wife of first informant Mr Ashwin Shah and the applicants in A.B.A. No.834 of 2016

are brother-in-law and sister-in-law of the first informant. It is the prosecution case that the relations between Mrs. Kamini Shah and her husband (first informant) were strained since year 2006 on the ground of transfer of flat in her name. It is stated that the said flat was to be held jointly by the applicant/Mrs.Kamini Shah and Mr. Ashwin Shah. That without consent of Mrs. Kamini Shah, her husband attempted to sell the said flat to a third person. It appears that the first informant initially filed private complainant and after an order passed under Section 156(3) of the Cr. P.C. by the learned Magistrate, the present crime is registered.

3] While granting interim relief to the applicant-Mrs. Kamini Shah by Order dated 9th June 2016, this Court has observed that the dispute involved in the present crime is prima facie of civil in nature. During the pendency of the present application, the applicant was directed to attend the Investigating Officer on stipulated dates. The other applicants were also directed to attend the Investigating Officer on stipulated dates. The record reveals that the applicants in fact have attended the Investigating Officer and joined the process of investigation. After taking into consideration the record of investigation of the present crime, this Court is of the view that the custodial interrogation of the applicants for further investigation of

crime is not necessary as the investigation pertains to documents which are already seized by the police. In view of the peculiar facts and circumstances of the case, the applicant deserves to be granted pre-arrest bail. The interim reliefs granted on 9th June 2016 in A.B.A. No.961 of 2016 and dated 6.5.2016 in A.B.A. No.834 of 2016 are hereby confirmed. However, the condition of attending the Investigating Officer is hereby waived.

4] Both the applications are allowed in the aforesaid terms.

(A.S. GADKARI,J.)