

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2134 OF 2016

Mr. Dilip Utekar, PI , MIDC Police Station, Mumbai.

P.C.:

2 This is an application under section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending her arrest in

M.E.C.R. No. 22 of 2015 registered at M.I.D.C. Police Station, Andheri for offence punishable under section 420, 120B of the Indian Penal Code.

3 The learned Counsel for the applicant, on the basis of the records, has submitted that the nature of the dispute is of civil nature. The applicant herein happens to be the original owner of the land CTS No. 227 and 224 situated at Jogeshwari road in the Revenue Village at Majas.

4 It also appears from the record that there was an unregistered memorandum of understanding in respect of CTS part of 224 and part of 227. The applicant and her son had accepted the consideration. The matter was referred for arbitration. In the arbitration proceeding being Arbitration Petition (L) No. 610/16, vide Order dated 6/5/2016 the respondent No. 2 was directed to deposit the original MOU dated 2nd November, 2010 with the Prothonotary and Senior Master within

a period of two weeks from 6/5/2016. The said condition has been complied with.

5 It is also submitted that the son of the applicant was arrested and has been enlarged on bail. The applicant is senior citizen aged about 71 years old.

6 The learned Counsel for the applicant submits that the accounts are frozen and there is an amount of Rs. 14 Crores in the said account.

7 The learned Counsel for the intervenor/original complainant submits that the applicant had volunteered to deposit Rs. 2 Crore within fortnight in this court and on that condition, they were granted interim relief. It appears from the submission advanced that the amount of Rs. 2 Crores has been deposited, as directed.

8 Taking all these aspects into consideration, interim relief granted vide order dated 15/12/2016 deserves to be confirmed on the same terms and conditions.

9 The above said amount be deposited in fixed deposit as per the directions of the Registrar General for a period of 13 months. The amount has been deposited in ABA 2134/16. However, disbursement of the said amount would be subject to result of arbitration proceedings or any other orders passed by this Court.

10 Hence, following order is passed:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in MECR No. 22 of 2015 registered with MIDC Police Station, the applicant be released on bail on furnishing P.R. bond in the sum of Rs. 1,00,000/- with one or more sureties in the like amount.
- (iii) The applicant to attend police station as and when called.

(iv) The applicant shall not tamper with the evidence and /or influence the witnesses in any manner whatsoever.

11 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)