

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 116 OF 2018

Mrs. Shelly Sushant Bhavangir ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. D.S. Manerkar i/b M.S. Hegde for the Applicant.
Ms. P.N. Dabholkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 24th JANUARY, 2018

P.C.:

. The Applicant is apprehending arrest in C.R. No. 424 of 2017 registered with Amboli Police Station, Mumbai under Sections 420, 467, 468, 471, 474 and 120-B of the Indian Penal Code.

2 Heard the Learned Counsel for the Applicant, the learned APP and perused
the record of investigation.

3 The FIR is lodged by Shri. Kaushik Ashar. It is stated that the complainant was introduced to the Applicant and her husband Sushant Bhavangir by Ms. Priti Singh. It was represented to the first informant that the Applicant and her husband are property agents and have helped many people in finding homes in Mumbai. It is represented to the first informant that there is flat available at Borivali belonging to MHADA and a flat at Vile Parle belonging to MMRDA. After

making further representations, the Applicant and her husband induced the informant to part with sum of Rs. 24,90,000/-. The said amount is paid by the informant to the husband of the Applicant namely Sushant Bhavangir either in cash or by way of cheque/RTGS transfer. Despite payment of the said amount in last three years, the Applicant and her husband neither gave the promised flats to the informant, nor returned the amount accepted by them. In the premise, the FIR is lodged.

4 The learned Counsel for the Applicant submitted that the said Ms. Priti Singh was subordinate employee of the Applicant in the Company where the Applicant was working. That the said Priti Singh was removed from service and thereafter, she has lodged the crime bearing No. 181 of 2017 with Amboli Police Station under Section 420 read with Section 34 of Indian Penal Code and in the said crime the Applicant has been released on bail. He further submitted that the Applicant has nothing to do with the present crime and she has been impleaded only because her husband has accepted the said amount from the first informant. He submitted that the Applicant is gainfully employed and therefore, she may be protected by pre-arrest bail.

Per contra, the learned APP vehemently opposed the present application.

5 The record indicates that it is the specific allegation against the Applicant that she along with her husband Sushant Bhavangir made representation to the first informant about availability of the aforestated two flats and subsequently,

induced him to part with the aforesaid huge amount of Rs.24,90,000/-. The record further indicates that the Applicant and co-accused since 26.04.2015 though accepted the said amount did not give the assured flats to the first informant and in fact even dodged to repay the said amount whenever the first informant demanded it. As noted earlier, the Applicant is also an accused in C.R. No. 181 of 2017 and when on bail it is alleged that has committed the present offence.

6 In view of the above and after taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that Applicant does not deserve to be protected by pre-arrest bail.

7 Application is accordingly rejected.

(A.S.GADKARI, J.)