

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 64 OF 2019

Shyam Panalal Jaiswal .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 23 OF 2019**

Rina Shyam Jaiswal .Applicant

Vs.

The State of Maharashtra .Respondent

Ms T. A. R. Qureshi, Advocate, for the Applicants **in both matters**
Mr. V. V. Gangurde, APP, for the Respondent – State **in both matters**

CORAM : REVATI MOHITE DERE, J.

DATE : 11.06.2019

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek pre-arrest bail in connection with C. R. No. I-195 of 2018 registered with the Naupada Police Station, Thane, for the alleged offences

punishable under Sections 420, 417, 418, 415 r/w 34 of the Indian Penal Code.

3. Perused the papers. The Applicants are husband and wife. The sum and substance of the allegations qua the Applicants is that when they purchased a flat, being 402, Flat No. 2, Ashirwad Building, Naupada Police Station, Thane, the payment for the said flat was paid by the Applicants to accused – Nilesh Powale and not to the builder. According to the learned counsel for the Applicants, an amount of Rs. 70,00,000/- was paid by the Applicants to Nilesh Powale by cheque and Rs. 30,00,000/- in cash. The cost of the flat is stated to be Rs. 1,05,00,000/-. Prima facie, it appears that the Applicants are bonafide purchasers of the said flat who had entered into a registered sale deed with one Nilesh Powale, who had represented to the Applicants that he was the sole owner of the flat after the death of his parents. Learned APP is unable to show any connivance between the Applicants and Nilesh Powale. In the facts, custodial interrogation of the Applicants is not necessary.

4. Considering the aforesaid, the Applications are allowed and the Applicants are granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the Complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicants shall co-operate with the investigation.

5. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)