

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

ANTICIPATORY BAIL APPLICATION NO.851 OF 2021

Anuradha Sanjiv Chandan

.. Applicant

Versus

State of Maharashtra

.. Respondent

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Mr.Wesley Menezes i/b. Mr.Waqar Nasir Pathan, Advocate for the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent - State.

PSI S.F. Pathan, Naya Nagar Police Station (MBVV), Thane Rural, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 25, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-342 of 2020, registered with Naya Nagar Police Station, Miraroad, District-Thane, for the offences punishable under Sections 420, 467 and 468 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged on 27th June, 2020.

2 The case of the prosecution is that accused no.1 had agreed to sell the shop to informant for Rs.95,00,000/-.

Cinokaubabt demanded documents. Accused no.1 stated that after registration of agreement and clearance of cheque he would hand over original documents. The informant parted an amount of Rs.95,00,000/- by cheque. The documents were not handed over. During the inquiry, it was revealed that loan was obtained by accused no.1 on the same premises and the original documents were deposited with the bank. Complainant told accused no.1 to clear the outstanding loan. Accused no.1 then demanded Rs.17,00,000/-, to clear loan amount, which was paid by him. In July 2019, accused no.1 handed over one letter of Indian Bank stating that the loan amount is repaid and only Rs.16,83,500/-, is balance. The informant thereafter learnt that accused no.1 had obtained loan of Rs.1,50,00,000/- from Indian Bank. The applicant was guarantor to the said loan. It is alleged that the applicant was aware of the transactions executed between the complainant and accused no.1. She did not disclose that the said property had been already mortgaged for obtaining loan.

3 Learned counsel for the applicant submitted that prior to registration of offence, advocate's notice was sent to the applicant, which was replied by denying the allegations. The applicant is not signatory to the agreement executed by accused no.1 towards sale of the premises. The transactions were

executed with accused no.1. While executing the documents before the Sub-Registrar, the applicant was not present. She is not signatory to the said documents. Accused no.1 who is husband of the applicant, is arrested in February 2021, and, he is in custody.

4 Learned APP submitted that the applicant was guarantor to the loan obtained by Indian Bank, she was aware about the transaction executed between accused no.1 and complainant. She did not disclosed to complainant that she is a gurantor and there is already loan obtained on the premises. Huge amount was parted by the complainant to accused no.1. There are several cases registered against accused no.1.

5 Undisputedly, the transactions with regards to sale of the property was executed between accused no.1 and the informant. It appears subsequently the informant learnt about the loan being obtained from bank. Accused no.1 was told to clear the outstanding of loan. Fabricated letter was shown by accused no.1 about clearance of substantial loan. Accused no.1 is in custody. Applicant was the guarantor to the loan. She is not signatory to the transaction of sale with informant. Considering these aspects, applicant need not be subjected to custodial interrogation.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.851 of 2021, is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R.No.I-342 of 2020, registered with Naya Nagar Police Station, Miraroad, District-Thane, the applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend the investigating officer on 5th, 6th and 7th April, 2021, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for, till filing of charge-sheet;
- (iv) Anticipatory Bail Application No.851 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)