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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 957 OF 2021**

1] Mr. Mayuresh Sitaram Kadam
2] Mrs. Jayshree Mayuresh Kadam

....Applicants.

V/s

The State of Maharashtra

.....Respondent

**WITH
INTERIM APPLICATION NO.1268 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 957 OF 2021**

MANJU VINOD AGARWAL

....Applicant.

V/s

THE STATE OF MAHARASHTRA

..... Respondent.

Mr. Suresh K. Mali for the Applicant.
Mrs J. S. Lohokare, APP for the Respondent/State.
Mr. S.G. Rajput for the Intervener in IA.
PSI P.S. Khamkar, Borivali Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 26, 2021

P.C.:-

1] Applicants are seeking pre-arrest bail in C.R. No.1172 of 2020 registered with Borivali Police Station for the offence punishable under Sections 420, 465, 467, 468, 471, 120B of the Indian Penal Code.

2] Applicant No.1 - Mr. Mayuresh Sitaram Kadam, as a Mediator,

facilitated execution of two agreements for purchase of MHADA flats; one in relation to Flat No.1103 and the other in relation to Flat No.1603. It is the case of the prosecution that none of these properties in spite of having received consideration, are delivered. Role attributed to Applicant No.1 is that of a Mediator who has received the part amount of consideration.

3] Fact remains that part of the amount of aforesaid deal has gone to the Account of Applicant No.1 which is admittedly not returned to the complainant till this date. That being so, necessary ingredients of Sections 420 465 and 467 are verymuch satisfied. Application as far as Applicant No.1 - Mr. Mayuresh Sitaram Kadam is concerned, stands rejected.

4] As far as Applicant No.2 - Mrs. Jayshree Mayuresh Kadam is concerned, the only role attributed to her is that of issuance of cheques which were not honoured. Admittedly, complainant has initiated proceedings under the provisions of Negotiable Instruments Act against Applicant No.2 for dishonour of cheques. Apart from above, no other role in the matter of receipt of the amount is attributed to Applicant No.2.

5] In that view of the matter, Applicant No.2 - Mrs. Jayshree Mayuresh Kadam deserves to be released on bail in the event of her arrest.

6] Applicant No.2 - Mrs. Jayshree Mayuresh Kadam in the event of her arrest in C.R. No.1172 of 2020 registered with Borivali Police Station for the offence punishable under Sections 420, 465, 467, 468, 471, 120B of the Indian Penal Code is directed to be released on bail on executing P. R. Bond in the sum of Rs 15,000/- with one or more sureties in the like amount. Applicant No.2 shall attend the Investigating Officer from 15th November, 2021 to 19th November, 2021 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer. Applicant No.2 shall neither influence the witnesses in any manner nor tamper with the evidence.

7] Application is accordingly disposed of. Consequently, Interim Application is also disposed of.

(**NTIN W. SAMBRE, J.**)