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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2643 OF 2021

MIHIR CHANDRAKANT SOMAIYA

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Shambhu Kumar M. Jha for the applicant

Mrs. Rutuja Ambekar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 29th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 646/2020 registered with Naya Nagar Police Station for offence punishable under Sections 420 r/w 34 of the Indian Penal Code.

2] Prosecution case against the applicant is, after accepting deposit of Rs. 8 Lakhs, flat referred to in the F.I.R. was given on leave and licence basis. Though said flat was subjected to possession by ICICI Bank for default of repayment of loan, amount was accepted.

3] I am informed that co-accused, wife of applicant is already arrested.

4] It is demonstrated from the record by the applicant about pendency of proceedings out of matrimonial discord between the applicant and co-accused. Divorce proceedings and custody proceedings are pending before the Family Court. It appears that even the deposit is accepted by the co-accused. It is further claimed that even if the property is jointly owned, it is co-accused who is exclusively managing the same.

5] That being so, prima facie it cannot be inferred that applicant is not involved in offence in question. As such, grant of pre-arrest bail is made out.

(i) In the event of arrest of the applicant in C.R. No. 646/2020 registered with Naya Nagar Police Station for offence punishable under Sections 420 r/w 34 of the Indian Penal Code, he be released on bail on furnishing

P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicant to attend Investigating Officer from 15/11/2021 to to 17/11/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]