

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

ANTICIPATORY BAIL APPLICATION NO.1904 OF 2019

Kanan Saurabh Dani

.... Applicant

Versus

1. The State of Maharashtra,
2. Prakash Laxman Gadag, &
3. Ravindra Laxman Gadag.

.... Respondents

Ms. Keral Mehta, Advocate a/w. Niranjan Mundargi, i/b.
Satyam H. Nimbalkar, for the Applicant.

Mr. Ameet A. Palkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th AUGUST, 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.376/2018 registered at Vishrantwadi Police Station, Pune on 2.12.2018 under sections 403, 405, 406 read with 34 of the Indian Penal Code.

2. Heard Ms. Keral Mehta, learned counsel for the applicant and Shri Ameet Palkar, learned APP for the State.

3. The applicant was protected by an interim order dated 30.8.2019 in this application.

4. The FIR was lodged by Prakash Gadag. It has resulted from an order under Section 156(3) of Cr.PC. The informant has stated in his FIR that he was in the construction business with his younger brother Ravindra in Pune area. On 22.9.2017, the applicant and her husband entered into agreement to sell their flats bearing Nos.A7 and A8 at Patil Heritage Apartment Condominium, Shivaji Nagar, Pune. They had taken Rs.49,50,000/- from the informant and Rs.49 Lakhs from the informant's brother Ravindra for that purpose. The agreements were registered. The amount of Rs.98,50,000/- was supposed to be used in repayment of the loan taken from Standard Chartered Bank on those two flats. It was mentioned so in the agreement itself. After the repayment of loan, they had to complete the rest of the terms within twenty days from 22.9.2017. The applicant and her husband did not take any further steps. The applicant's husband kept on assuring the informant and his brother that the transaction would be

completed soon. But it was not completed. The informant sent emails through his Advocate, but, the applicant's husband merely gave false assurance. On this basis, the FIR is lodged.

5. Learned counsel for the applicant submitted that the representation was made by the applicant's husband. She was merely a co-owner of both the flats. The transaction was entered into by the applicant's husband. The applicant had not really played any serious role.

6. Learned counsel for the applicant, further, submitted that after the applicant was protected by an interim order, there were further developments and the informant as well as the applicant and her husband entered into a subsequent Memorandum of Understanding [MOU] dated 28.11.2019. Through that MOU, both the parties had agreed to settle the matter. It was also agreed that the informant would withdraw Special Civil Suit No.50/2019 and also would cooperate in getting the present FIR quashed before this Court. She has produced a copy of the MOU, which is taken on record and marked 'X' for identification.

7. Learned counsel has also produced an order dated 8.2.2020 passed by 13th Jt. Civil Judge, Senior Division, Pune in Special Civil Suit No.50/2019 showing disposal of the suit as withdrawn pursuant to the proceedings in Lokadalat. It is taken on record and marked 'X-1' for identification.

8. Learned counsel for the applicant, therefore, submitted that the informant does not really have any grievance against the present applicant and, therefore, her custodial interrogation will not serve any purpose today.

9. Learned APP, on instructions, made a statement that according to the investigating officer the parties are in the process of settling the matter.

10. I have considered these submissions. Learned counsel for the applicant has made certain statements with responsibility and has also produced aforementioned copies of two documents which are taken on record. In this view of the matter, custodial interrogation of the applicant will not really serve any purpose. She can be protected by an order of

anticipatory bail. In case, any of these statements or documents are found to be false, the informant as well as the State are at liberty to make an application for cancellation of this order. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.376/2018 registered with Vishrantwadi Police Station, Pune, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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(SARANG V. KOTWAL, J.)

Deshmane (PS)