

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 2063 OF 2019

Parumeeta Vijjan Chakravarti ..Applicant  
Vs.  
The State of Maharashtra ..Respondent

WITH  
INTERIM APPLICATION NO. 3002 OF 2021  
IN  
CRI. ANTICIPATORY BAIL APPLICATION NO. 2063 OF 2019

Manasi Mahendra Pandit ...Intervenor

IN THE MATTER BETWEEN

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AMAR  
KALE

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Parumeeta Vijjan Chakravarti ..Applicant  
Vs.  
The State of Maharashtra ..Respondent

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Mr. Mubin Solkar a/w. Mr. Aamir F. Sopariwala, for the Applicant.  
Mr. Amol Mhatre a/w. Mr. Sameer Mhatre, for the Respondent and  
for Intervenor in IA No.18974/2021.  
Mr. S. R. Agarkar, APP for the Respondent / State.

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CORAM : C.V. BHADANG, J.  
DATE : 8 DECEMBER 2021

P.C.

. By this Application, the Applicant Parumeeta Chakravarti –  
Accused is seeking pre-arrest bail in connection with investigation of

Crime No.93/2019 registered with Chitalsar Police Station, Thane under Section 406 and 420 read with Section 34 of IPC. The aforesaid offence is registered on the basis of a complaint lodged by Manasi Pandit, who is the Applicant in the Interim Application No.3002/2021.

2. I have heard Mr. Solkar, the learned counsel for the Applicant, Mr. Mhatre, learned counsel for the Respondent – Complainant and Mr. Agarkar, learned APP for the State. With the assistance of the learned counsel for the parties, I have gone through the record.

3. The principal submission on behalf of the Applicant is that the dispute is essentially about the recovery of certain amount paid by the Complainant to the Applicant. In the submission of learned counsel for the Applicant, the dispute is pre-dominantly of a civil nature. The learned counsel on the basis of the record, made an attempt to point out that the amount Complainant is claiming inflated amount, than the amount originally paid by the Complainant to the Applicant-Accused. The learned counsel submitted that the Complainant cannot seek recovery of such inflated amount by giving colour of criminal case to the entire transaction.

4. The learned counsel has pointed out the supplementary statement of the Complainant recorded on 15 April 2019. It is pointed out that in the said statement, according to the Respondent – Complainant, only an amount of Rs.14,46,000/- was paid to the Applicant. The learned counsel pointed out that in pursuance of the order passed by this Court, an amount of Rs.18 Lakhs has been deposited before this Court on 14 October 2019 which would also take care of reasonable interest on Rs.14,46,000/-.

5. The learned counsel for the Respondent – Complainant stated that the investigation is in progress and the Applicant has not cooperated, in as much as, she has not attended the Investigating Officer although it was one of the conditions imposed while granting interim protection. Learned counsel for the Respondent – Complainant pointed out that the amount recoverable from the Applicant is to the tune of Rs.41 Lakhs approximately. It is submitted that there are several similar cases registered against the Applicant and looking to her antecedents, a clear inference of the Applicant not willing to pay the amount since inception can be drawn.

6. The learned APP has pointed out that a notice under Section 41-A of Cr.P.C. was issued to the Applicant. However, it could not be served on her as she is not traceable on the address given. It is

submitted that barring couple of occasions, the Applicant has not attended and cooperated with the Investigating Agency.

7. It may be mentioned that there is an Interim Application bearing No.3002/2021 filed by the Respondent – Complainant for withdrawal of the said amount of Rs.18 Lakhs with interest.

8. In so far as this Application is concerned, it is submitted by the learned counsel for the Applicant – Accused that she has no objection to pay the amount to the Complainant subject to the interim protection being confirmed. The learned counsel for the Respondent – Complainant, on instructions, from the Complainant stated that the Complainant is willing to accept the amount and he submitted that this Court may pass appropriate order putting the Applicant to appropriate conditions.

9. Learned APP submitted that the amount may be made over to the Magistrate who can then pass appropriate order under Section 457 of Cr.P.C.

10. After giving my anxious consideration to the rival submissions, at least in so far as the present crime is concerned, it appears from the supplementary statement of the Complainant recorded on 15 April 2019 that the Complainant had paid an

amount of Rs.14,46,000/- to the Applicant - Accused. It is in these circumstances that this Court by order dated 27 September 2019 had granted interim protection to the Applicant subject to deposit of Rs.18 Lakhs before this Court on or before 4 October 2019. The subsequent order dated 4 October 2019 shows that the amount has been deposited and that interim protection is continued from time to time and is operating till date.

11. Considering the over all circumstances and confining the consideration to the present crime, in my considered view, the main Application can be disposed of in terms of the order dated 4 October 2019 on further conditions. This shall however be without prejudice to the rival claim of the Applicant – Accused and the Complainant.

12. In so far as the withdrawal of the amount of Rs.18 Lakhs by the Complainant is concerned, strictly speaking that is not an amount which is recovered or seized during the investigation. It is not necessary to make over the said amount to the learned Magistrate particularly in view of the fact that the Applicant – Accused has also shown concession for payment of the amount to the Complainant.

13. In the result, the following order is passed-

**ORDER**

1. The Criminal Anticipatory Bail Application No.2063/2019 is disposed of in terms of the order dated 27 September 2019 subject to the condition that the Applicant shall attend the Investigating Officer once in two weeks on Monday, between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer. The first of such attendance shall be made on 17 December 2021.

2. The Applicant shall furnish her residential address alongwith proof before the Investigating Officer, within two weeks from today.

3. The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence and witnesses.

4. The amount of Rs.18 Lakhs deposited before this Court, alongwith interest if any, shall be paid to the Respondent – Complainant Manasi Mahendra Pandit, on proper identification. This shall be subject

to the condition that the Respondent – Complainant shall file an undertaking before the Registrar (Judicial) of this Court that she will bring back the amount alongwith reasonable interest, if so ordered by this Court.

5. The Criminal Applications are disposed of in the aforesaid terms.

**C.V. BHADANG, J.**