

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

ANTICIPATORY BAIL APPLICATION NO. 37 OF 2022

Niki Sandeep Chopra Applicant
Versus
The State of Maharashtra Respondent

Mr. Satish J. Agarwal for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 46 of 2019 registered at Kandivali Police Station, on 21/01/2019, under sections 406, 420 and 120B r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Satish Agarwal, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Chanchal Sharma. He has stated that the applicant was residing in the neighborhood. Both of them were knowing each other. In 2015, the applicant told the informant that, a flat in

the building by name Blue Oasis, Kandivali was available for sale. It was sealed by the bank and such flat is available for lesser price. She told the informant that one DRT Agent Deepak Salunkhe was known to her father. She told the informant that, if that flat was purchased, it would be a good investment. She suggested that the flat could be purchased by the informant, the applicant and applicant's friend Nikita Thakkar. She told the informant that, initially Rs.15 lakhs in cash were required to be paid; out of which the informant was required to pay Rs.5 lakhs and balance amount would be paid by the applicant and her friend Nikita. At her instance the informant handed over Rs.5,50,000/- to the applicant's father Anil Shah. The price etc. was fixed by the applicant's father as mentioned in the F.I.R. After the informant handed over Rs.5,50,000/-, the applicant's father did not give him any receipt and promised to introduce him to Deepak Salunkhe.

4. In July 2020, applicant's father introduced Deepak Salunkhe to the informant. At that time, Deepak Salunkhe was given Rs.2,50,000/- out of the amount of Rs.5,50,000/- which the informant had given to Anil Shah. The informant was told by Anil

Shah that, share of the applicant and Nikita was already given to Deepak Salunkhe. On that day itself, Agreement for purchase of that particular flat was executed by the parties. After that the informant kept asking Anil Shah about the further transactions. However, there was no positive response from Anil Shah and, therefore, the informant contacted Deepak Salunkhe. At that time, the informant was told by Deepak Salunkhe that the applicant and Nikita had not paid any money. The informant confronted Anil Shah. At that time, Anil Shah told him that, there were other transactions between Anil Shah and Deepak Salunkhe and the money was adjusted from those transactions. Anil Shah also advised the informant to negotiate further directly with Deepak Salunkhe. Accordingly, the informant held talks with Deepak Salunkhe. The price of the flat was quoted at Rs.36 lakhs by Deepak Salunkhe. He accepted Rs.22,50,000/- from the informant. Subsequently, the flat was not given to the informant. In the meantime, in December 2016, Anil Shah passed away. The informant came to know that Deepak Salunkhe was not official DRT Agent. He realized that, he was cheated and, therefore, he

lodged this F.I.R.

5. Learned counsel for the applicant submitted that the applicant has not played any role. She has not accepted any money. The allegations are directed against Deepak Salunkhe and only after applicant's father had passed away, she is pressurized by the informant by roping her in these false allegations.

6. Learned APP opposed this application and relied on the case of the informant mentioned in the F.I.R.

7. I have considered these submissions. The F.I.R. is lodged on 21/01/2019. For about more than three years, the investigating agency did not feel it necessary to take steps to arrest the applicant. Therefore, at this stage, there appears no serious intention on the part of investigating agency to arrest the applicant. In any case, the allegations in the F.I.R. against the present applicant are vague and weak. Only in initial part she had suggested that she would invest Rs.5 lakhs in purchasing that flat. Subsequently, her father had clearly told the informant that all further transactions will have to be made by the informant directly with Deepak Salunkhe. From that point onwards the applicant has

not played any role at all. The entire amount of Rs.22,50,000/- is directly paid by the informant to Deepak Salunkhe without any inducement or on false representation having been made by the applicant. Therefore, for that purpose the applicant cannot be held responsible. Considering the totality of the circumstances, the applicant's role is not incriminating. Therefore, her custodial interrogation is not justified. She can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. 46 of 2019 registered at Kandivali Police Station, the applicant is directed to be released on bail on her furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)