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

PRADNYA
MAKARAND
BHOGALE

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Date: 2022.12.01
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ANTICIPATORY BAIL APPLICATION NO.585 OF 2022

SANJAY VICTOR D'SOUZA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.825 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.585 OF 2022**

MELINDA EUSTACE D'SOUZA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. S. H. Mishra for applicant.

Mr. Jeetendra Ranawat i/b. Mr. S. D. Sherkhane for applicant
in IA/825/2022.

Mr. S. V. Gavand, APP for State.

Mr. Dattatray Khade, PSI, Santacruz Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 1, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP and learned counsel for the intervenor.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 420, 193(2), 199 and

200 of the Indian Penal Code, 1860 in connection with C.R. No.536 of 2021 dated 17/12/2021 registered with Santacruz Police Station, Mumbai.

3. The dispute is between the family members towards the property which the complainant also claims a share. It is alleged that by cheating the complainant, the applicant executed documents and sold out the entire property which includes the share of the complainant as well.

4. Learned APP pointed out that a notice under Section 41A of the Code of Criminal Procedure (hereafter 'the Cr. P. C.', for short) was issued, but the applicant did not co-operate. Even in these proceedings, the matter was referred to mediation. During mediation also the applicant did not appear before the Mediator and therefore, the Mediator submitted a failure report. The bonafides of the applicant in co-operating with the investigation appear to be doubtful. Learned counsel for the applicant submits on instructions that the applicant is willing to co-operate with the investigation. Let the applicant appear before the Investigating Officer on 6th, 7th and 8th December, 2022

between 11.00 a.m. and 1.00 p.m. and thereafter as and when called. In case if the Investigating Officer wants to effect the arrest if he feels that arrest is imperative in the wake of the reasons recorded by him, he may effect the arrest after giving 72 hours notice in advance to the applicant.

- 5.** The Anticipatory Bail Application is disposed of.
- 6.** The Interim Application is also disposed of.

(M. S. KARNIK, J.)