

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

ANTICIPATORY BAIL APPLICATION NO.666 OF 2022

1. Mrs. Parveen Salim Takey
2. Mohd. Salim Ibrahim Takey

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Prakash Vare for the Applicants.

Mr. S.H. Yadav, APP for Respondent -State.

Mr. K.K. Tambe, IO, Mumbra police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 16th MARCH, 2022.

P.C.:-

1. By this application filed under Section 438 of the Cr.P.C., the Applicants have sought pre-arrest bail apprehending their arrest in Crime No.I-1012 of 2020 registered with Mumbra police station for the offences punishable under Sections 420, 504 and 506 r/w. 34 of the IPC.

2. Heard Mr. Vare, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for Respondent-State. Perused the records.

3. The aforesaid crime was registered on 25/12/2020 pursuant to which a complaint was lodged by one Abdul Rahim Mohd. Miya. It is

the case of the Complainant that he had entered into an agreement with the Applicants for purchase of Room No.301, 'B' wing, third floor, Tahesin Apartment, Mumbai. He had paid sale consideration of Rs.13,00,000/- to the Applicants. It is stated that the Applicant had not handed over possession of the said room.

4. Perusal of the FIR prima facie indicates that even after execution of the agreement for sale dated 30/11/2017 and after giving the total sale consideration to the Applicants, the Complainant allowed the Applicants to reside in the said premises on condition that they would pay electricity and other bills. The FIR is lodged only on the ground that the Applicants have failed to vacate the room. Perusal of the FIR indicates that the dispute, if any, is predominantly of civil nature. Moreover, the alleged crime is of the year 2017 whereas the complaint was lodged in December-2020. There is thus, considerable delay in filing the FIR.

5. Considering the above facts and circumstances, in my considered view this is not a case which would warrant custodial interrogation. Hence the application is allowed on following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime No.I-

1012 of 2020 registered with Mumbra police station, the Applicants shall be released on bail on furnishing bail bonds of Rs.15,000/- each with one or two solvent sureties each in the like amount;

(ii) The Applicants shall report to the Investigating Officer for a period of four days from 21st March, 2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when directed by the investigating officer.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)