

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

ANTICIPATORY BAIL APPLICATION NO. 761 OF 2022

Mrs. Savita Dattatray Deshmukh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Manish Wadhwan i/b. Mr. Vikas R. Kudiya for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Vinod Uttamrao Patil, API, Badlapur (W) Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 30th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.I-26/2019 registered with Badlapur (W) Police Station, Dist. Thane for offences punishable under sections 406, 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Manish Wadhwan, learned counsel for the Applicant and Ms. Rutuja Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Ashok Kasar. The complainant has

alleged that he was interested in purchasing the property. The Applicant herein had informed his wife that her father-in-law – Mukund Deshmukh was interested in selling property under Survey No.139/2B at Village Kanhor, Badlapur. It is stated that the complainant had agreed to purchase the said property for sale consideration of Rs.40 lakhs. The complainant paid to the husband and father-in-law of the Applicant total sum of Rs.14 lakhs in cheque. It is alleged that in addition, Rs.26 lakhs was paid in cash. It is alleged that the father-in-law of the Applicant did not transfer the land in favour of the complainant and hence, the FIR came to be lodged, pursuant to which the aforesaid crime was registered against the Applicant, her husband and her father-in-law.

4. The records indicate that the agreement was between the first informant and the father-in-law of the Applicant. The amount which has been paid in cheque, has been credited in the account of the husband as well as in the account of the father-in-law of the Applicant. There is no material on record to indicate that the Applicant herein had received any money from the first informant. It is stated that the charge sheet against the co-accused has been filed. No reasons are assigned for not filing the charge sheet against the present Applicant.

5. Considering the aforesaid facts and circumstances, presence of the Applicant is not required for the purpose of custodial interrogation. The Applicant is the permanent resident of Badlapur. There are no chances of the Applicant absconding and/or thwarting the course of justice. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.I-26/2019 registered with Badlapur (W) Police Station, Dist. Thane, she shall be released on bail on furnishing bail bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall keep the Investigating Officer informed of her 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.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally signed by
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