

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1028 OF 2022**

Ajit Dayashankar Mishra .. Applicant

Versus

The State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO.1456 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1028 OF 2022**

Harshala Ganpat Lad .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

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Ms.Kusum Pandey for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

Ms.Pooja Nalawade for the Intervenor.

API Raghunath Narole attached to Achole Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 19th AUGUST, 2022

P.C:-

1. Learned A.P.P. has verified the statement made by the counsel for the applicant on the last date of hearing and she states that the affidavits, which are placed on record, are executed by the various investors and they have received their amount. The Investigating Officer has also recorded the statement of each of the investors, who has admitted that the amount is received by him.

The exception is one Smt.Harshala Lad, whose statement is recorded by the Investigating Officer on 18/08/2022 wherein she has stated that from the year 2012 to 2015, she has paid Rs.23,00,000/- in cash to the applicant and he has acknowledged the receipt of the same. He had promised that she will be delivered four rooms in accordance with the notarized agreement, but there is a failure and neither the amount was returned nor the possession of the rooms is handed over to her. She has also stated that an agreement was executed with the applicant on 16/05/2015 in form of an Memorandum of Understanding and she has also executed an affidavit in Jaunpur Court, Uttar Pradesh in the year 2016, informing that the dispute was settled and she was living in a live-in-relationship with the applicant in Nalasopara.

2. Learned counsel for the applicant has invited my attention to the letter addressed to the District Officer, Jaunpur in the wake of her affidavit dated 08/02/2016 and another affidavit dated 16/06/2015, wherein some understanding is arrived at by her with the applicant.

In any case, it appears that there is some personal discord between said Smt.Harshala Lad and the present applicant and merely because, there was statement with the Investigating Officer that the amount is not returned to her, the applicant cannot be denied the protection, as he has repaid the amount in respect of the other investors. In the wake of the aforesaid, the applicant deserves protection from arrest by the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.I-81 of 2019 registered with Tulinj Police Station, applicant-Ajit Dayashankar Mishra shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

3. In view of the disposal of the application, interim application does not survive and stand disposed off. However, it is made clear that the intervenor-Smt.Harshala Lad is at liberty to pursue all the remedies available to her under law to prosecute her cause.

(SMT. BHARATI DANGRE, J.)