

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

ANTICIPATORY BAIL APPLICATION NO.1049 OF 2022

**PRIYA
RAJESH
SOPARKAR**

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PRIYA RAJESH
SOPARKAR
Date: 2022.04.28
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Anil Bapekar and anr.

... Applicants

V/s.

The Senior Police Inspector and anr.

... Respondents

Mr.Mateen Shaikh, Advocate for the Applicants.

Mr.A.A.Palkar, APP for Respondent No.2/State.

Mr.V.D.Gavdhalkar, Complainant in-person present.

CORAM : VINAY JOSHI, J.

DATE : 26th APRIL, 2022.

P.C.:-

1. Heard.

2. In anticipation of arrest, the applicant is seeking pre-arrest protection in Crime No.284 of 2021 registered at Khandeshwar Police Station for the offence punishable under Sections 420, 406 r/w 34 of the Indian Penal code.

3. The informant has paid total sum of Rs.2,80,000/- to the applicant for booking of residential tenement. Since the project was not materialized, the applicant has issued two cheques to the informant having denominations of Rs.1,00,000/- and Rs.1,80,000/- each. Both cheques were dishonoured and therefore, existing report for the offence of cheating and breach of trust.

4. During pendency of this application interim protection was granted with a rider that applicant shall deposit entire amount of Rs.2,80,000/- in this court. In compliance with said order the

applicant has deposited sum of Rs.2,80,000/- in this court on 22nd April, 2022. In short, the allegation was of cheating for Rs.2,80,000/- and the entire amount has been refunded i.e. deposited in this court.

5. Having regard to said fact, there is no necessity to have custodial interrogation. It is informed that applicant has already filed a private complaint under Section 138 of the Negotiable Instrument Act bearing case No.SS/3303024/2019 in the court of 33rd Court of Metropolitan Magistrate, Ballard Pear, Mumbai. In view of that, following order:-

- (a) The application stands allowed.
- (b) Ad-interim order dated 19th April, 2022 is hereby made absolute upon same terms and conditions. Henceforth applicant shall attend Khandeshwar police station as and when called.
- (c) The amount of Rs.2,80,000/- be transmitted in Criminal Case No.SS/3303024/2019 pending in 33rd Court of Magistrate which shall be subject to outcome of said complaint.
- (d) The application stands disposed in above terms.

(VINAY JOSHI, J.)

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