

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1902 OF 2022**

Sarvar Ali Abdul Rehman Shaikh and .. Applicants
anr

Versus

The State of Maharashtra .. Respondent

WITH

INTERIM APPLICATION NO. 2363 OF 2022

Amit Tata Employee Co op Housing .. Applicant
Society ltd

Versus

The State of Maharashtra .. Respondent

Viral Rathod a.w Saima Sothe for the Applicant.

Zishan Quazi for intervernor

Anamika Malhotra, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 04th AUGUST, 2022

P.C:-

1. In the order dated 21/07/2022, the role attributed to the applicant no.2 Mrs. Dhawal Savla has clearly surfaced on record.
2. The learned APP categorically state that, as far as applicant no. 1 is concerned, he is not arraigned as an accused and there is no question of consideration of the application qua him.
3. What has surfaced on record is applicant no.2 has received

a sum of Rs. 25,75,000/- in the account of Starexraya Cure Consultant Pvt Ltd., out of which, a sum of Rs. 12,68,000/- was returned to accused No.1. Further, an amount of Rs. 2,75,000/- was also deposited in cash, but the said amount is also returned to accused No.1.

4. The applicant No.2 is thus liable for an amount of Rs. 13,07,000/- and, when specifically asked, she make a statement that since this was the only amount, which had come to her account and since the sum of Rs. 12,68,000/- has already been returned to accused No.1, the remaining amount of Rs.13,07,000/-, which was not intended for her company, shall be returned to the Society's account.

5. Accordingly, applicant No.2 has filed an affidavit stating that she undertake to deposit the first installment of Rs. 6,00,000/- within a period of 4 weeks i.e. on or before 30/08/2022 in the account of the complainant i.e. Amit Tata Employee Co-op Housing Society Ltd. and second installment of Rs. 7,07,000/- shall be deposited on or before 27/09/2022. The affidavit filed by the applicant No.2 is taken on record.

6. In the wake of the said affidavit and since the case of the

prosecution is that, the company Starexraya Cure Consultant Pvt. Ltd. is credited with an amount of Rs. 25,78,000/- and some of the amount is transferred to accused no.1, and the remaining amount being agreed to be transferred to the account of the complainant, applicant No.2 deserve her release on bail. Hence the following order.

7. The counsel for the applicant make a request that the account of the company belonging to the applicant No.2 has been freezed and a sum of Rs.2,41,000/- is lying in the said account. Since the applicant has already discharged the liability towards the complainant by repaying the amount, which is received in the account, the Investigating Officer is directed to de-freeze the said account within a period from one week from today. As far as applicant no. 1 is concerned no orders are necessary.

: ORDER :

(a) In the event of her arrest, applicant No.2 - Mrs Dhawal Savla shall be released on bail in connection with C.R.No.190 of 2022 registered at Dadar Police Station on

furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount.

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

(c) The Applicant shall make herself available as and when required by the Investigating Officer.

(d) The application is partly allowed.

(SMT. BHARATI DANGRE, J.)