

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1905 OF 2022

Saikrishan Motilal Bhatia & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

...

Mr.Sarthak S. Diwan for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

Mr.Satish Muley for the Intervenor.

...

CORAM: BHARATI DANGRE, J.

DATED : 14th JULY, 2022

P.C:-

1. The applicants are apprehending their arrest in C.R.No.816 of 2022, registered with Juhu Police Station on 27/06/2022, invoking Sections 354, 354-B, 323, 504 and 507 of the I.P.C.

In the very same police station, C.R.No.817 of 2022 came to be lodged by applicant No.2 against Narwinder Chawla, who is the complainant in C.R.No.816 of 2022, and Sayba Chawla.

2. Both the complaints indirectly revolve around the money transaction. The present applicants and the complainant are the neighbours and it is the case of the complainant that they shared cordial relationship for last 20 years and the complainant, at one point of time, was working with applicant No.1 and assisting him in his property dealings. Applicant No.1 is alleged to have obtained loan of Rs.8 crores, but he was unable to clear the debt and flat in which the applicants were residing was sealed. On that pretext it is alleged that applicants demanded an amount from her and she agreed to the same, considering the relationship shared by the two families. It is alleged that the complainant parted with sum of Rs.1 crore, but, no steps taken by the applicants to repay the said amount. It is alleged that since the marriage of the complainant's daughter is scheduled on 07/10/2022, the complainant was in need of money. She repeatedly pleaded with the applicants to return their money. On the date of the incident, the complainant once again approached the applicants and requested for her money, but at that time it is alleged that applicant No.1 pulled her by hand and tore her shirt, which was an act amounting to outraging her modesty. She was also threatened by the applicants.

3. The cross complaint lodged by applicant No.2, which invoke Sections 452, 427, 323, 504, 506(2) read with Section 34 of the I.P.C., gives another version of the same incident wherein it is alleged that Narwinder Chawla (complainant) and Sayba Chawla trespassed in their house and threatened them. It is also alleged that they were abused and assaulted and also created destruction in the house.

4. In the wake of the two cross FIRs, the money transaction appears to be the bone of contention between the parties. The complainant, however, has not lodged complaint about cheating, but the complaint lodged is only in respect of the incident of threat and outrage of modesty. There is another version of the incident in form of the cross F.I.R.

5. In the aforesaid circumstances, there is no need of custodial interrogation of the applicants, but it is subject to the stipulation that the applicants shall render their co-operation to the Investigating Officer. Hence, the following order.

: ORDER :

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.816 of 2022 registered with Juhu Police Station, applicant No.1-Saikrishan Motilal Bhatia and applicant

No.2-Komal Saikrishan Bhatia shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each, with one or two sureties of the like amount.

(c) The applicants shall report to the Investigating Officer on Thursday and Friday between 3.00 p.m. to 5.00 p.m. for a period of two weeks and, thereafter, as and when called for.

(d) The applicants 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 and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)