

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

**ANTICIPATORY BAIL APPLICATION NO. 3052 OF 2022**

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| Jayesh Jinabhai Gohil And Anr | ...Applicants |
| Versus                        |               |
| The State Of Maharashtra      | ...Respondent |

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Adv. Birjesh Kiran Rahod a/w Adv. Jesika Kiran Rathod for applicants.

Mr. Sandeep Dubey for intervenor.

Mr. S.H. Yadav, APP for State.

API Suroshe, Goregaon Police Station is present.

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**CORAM: M. S. KARNIK, J**

**DATED: DECEMBER 19, 2022**

**PC:-**

- 1.** Heard learned counsel for the applicants.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under sections 420, 406, 34 of the Indian Penal Code, 1860 in connection with First Information Report No.0895 of 2022 registered with Goregaon Police Station on 02/09/2022.

**3.** It is the case of the applicants that the complainant is a retired lady who was serving with the Bank of India. It is alleged that the Flat No. 103, Devkrippa Enclen, LT Road No. 1, Goregaon West, Mumbai (hereafter 'The Said Flat', for short) in which the complainant was living, was purchased from the applicants for consideration of Rs.96,00,000/- (Ninety Six Lakhs). The complainant has informed by the applicants that the said flat has no loan or encumbrances and the possession was handed over to her. Later on, the complainant came to know that the said flat was mortgaged to the State Bank of India when the recovery officers came to recover the possession.

**4.** An affidavit is filed by the applicants on 16/11/2022 in this Court, to the effect that loan against the said flat which the complainant is occupying, would be settled in 12 to 16 weeks from 16/11/2022. I am therefore, inclined to entertain the present application. Learned counsel for the complainant on the instructions of the complainant who is present in the Court submitted that she is already in possession of the said flat and she is more interested in the applicants clearing the loan

amount within the time stipulated in the said affidavit. Accordingly, the affidavit filed on 16/11/2022 filed by the applicants is accepted as an undertaking to this Court. Hence the following order.

**ORDER**

- (a)** In the event of arrest of the applicants - Jayesh Jinabhai Gohil and Vijay Jinabhai Gohil in First Information Report No.0895 of 2022 registered with Goregaon Police Station on 02/09/2022, the applicants shall be released on bail on their furnishing P.R. bond in the sum of Rs.25,000/- each, with one or more sureties in the like amount;
- (b)** The applicant shall report to the Investigating Officer of the concerned Police Station as and when required;
- (c)** The applicant shall strictly abide by the affidavit-cum-undertaking. It is made clear that no further request for extension to settle the loan amount, at the instance of applicants, will be entertained;
- (d)** If the loan amount is not settled by the applicants or for breach of undertaking, the complainant may apply for cancellation of the Anticipatory Bail.
- (e)** 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 and should not tamper with evidence;

**5.** The application is disposed of.

**(M. S. KARNIK, J.)**