

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

ANT. BAIL APPLICATION NO.3100 OF 2022

Shobha Mukesh Jain ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Ms. Rekha Musale i/by Mr. Mahendra Kawchale for the Applicant.

Smt. P.N.Dabholkar, APP for the Respondent-State.

PSI Sunil Randive, Samarth P.Stn. Pune present.

CORAM : SANDEEP K. SHINDE J.

DATE : 15th NOVEMBER, 2022.

P.C. :

Heard learned counsel for the applicant and the learned Assistant Public Prosecutor for the State.

2 Pursuant to Memorandum of Understanding dated 1st January, 2020, applicant and her husband agreed to sell flat no.802, to the complainant for total consideration of Rs.1.20 Crore. As per the MOU, complainant paid Rs.30 Lakhs; 15 Lakhs each to the

applicant and her husband. That amount was to be appropriated for repaying the mortgaged dues. It appears, the applicant and her husband did not clear, dues of the bank.

3 In view of the facts above, on an application, Jurisdictional Magistrate in exercise of the powers under Section 156(3) of the Code of Criminal Procedure, 1973 directed to register the crime against the applicant and her husband. Pursuant thereto Crime No.109 of 2022 came to be registered at Samarth Police Station, Pune, for the offences punishable under Sections 420, 406 and 506 of the Indian Penal Code, 1860. Pending investigation, applicant's husband has been arrested.

4 Learned counsel appearing for the applicant, on instructions, submits that applicant and her husband are willing to execute sale deed in favour of the complainant in terms of Memorandum of Understanding dated 1st January, 2020. Statement is accepted as an Undertaking to this

Court.

5 In that view of the matter, custodial interrogation of the applicant may not further the prosecution case. Thus, following order;

ORDER

(i) In the event of arrest of the applicant in Crime No. 0109 of 2022 registered with Samarth Police Station, Pune, she shall be released on executing PR bond for the sum of Rs25,000/-. with one or more sureties in like sum.

6 The application is accordingly allowed and disposed of.

7 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)