

PMB

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

ANTICIPATORY BAIL APPLICATION NO.3114 OF 2022

RANI BHASKAR CHAUBEY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION ST. NO.19912 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3114 OF 2022
(Not on board)**

JOYCE LOPEZ ..APPLICANT

IN THE MATTER OF

RANI BHASKAR CHAUBEY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Sandeep Mishra i/b Mr. Shilpesh E. Kabadi for applicant.
Mr. S. V. Gavand, APP for State.
Mr. S. P. Rajepandhare for informant/complainant.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 22, 2022.

P.C. :

1. The Intervention Application is tendered across the bar. The same is taken on record and registered. For the reasons mentioned in the application, the application is allowed.

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2. I have heard learned counsel for the applicant. Since I am inclined to dispose of the application, I have heard learned counsel for the intervenor.

3. This is an application for pre-arrest bail in respect of C.R. No.585 of 2022 registered with Navghar Police Station, Thane for the offence punishable under Sections 420, 448 read with Section 34 of the Indian Penal Code, 1860. The dispute pertains to a shop which was purchased by the applicant. According to the first informant, the transaction amount of Rs.29,75,000/- due and payable, was not paid and hence the allegation of cheating. It is not disputed that an amount of Rs.24,75,000/- has been paid by the applicant to the informant. The dispute now is in respect of Rs.5,00,000/- which the complainant claimed is due and payable. It was the submission of learned counsel for the applicant that the amount of Rs.5,00,000/- which the informant claims due and payable is for some other transaction, nonetheless to show his bonafides, learned counsel, on instructions, submitted that the applicant is

willing to even pay the balance amount of Rs.5,00,000/- claimed by the complainant. Learned counsel for the applicant has today handed over a Demand Draft of Rs.5,00,000/- to the advocate for the informant. Thus, so far as the informant/complainant is concerned, learned counsel for the informant submits that the entire consideration due and payable has been received and he has no grievance against the applicant.

4. So far as the possession of the shop is concerned, it is the contention of learned counsel for the applicant that the possession has not been handed over and the informant is creating impediment. It is for the applicant to resort to the appropriate remedies in accordance with law.

5. Taking an overall view of the matter, in my opinion, considering what is observed hereinbefore and as the dispute appears to be of a civil nature, the application deserves to be allowed.

6. Hence, the following order :-

ORDER

(i) In the event of arrest of the applicant in connection with C.R. No.585 of 2022 registered with

Navghar Police Station, Thane for the offence punishable under Sections 420, 448 read with Section 34 of the IPC, she shall be released on her furnishing a P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant to co-operate with the Investigating Officer.

(iii) The applicant should not tamper with the prosecution evidence.

7. Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)