

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.1663 OF 2022**

Monika W/o. Prashant Patil

.... Applicant

Versus

The State of Maharashtra  
and another

.... Respondents

.....  
Mr. Naseem R. Shaikh, Advocate for the Applicant  
Mr. A.A. Jagatkar, APP for Respondents – State  
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13<sup>th</sup> JANUARY, 2023

**ORDER :**

1. The applicant apprehends his arrest in connection with Crime No. 0296 of 2022 registered with Chalisgaon Police Station, District Jalgaon for offence punishable under section 420 read with 34 of the Indian Penal Code.

2. FIR is lodged by Ambadas Jadhav alleging that row house of the applicant and her husband was purchased by him for consideration of Rs.16,80,000/-. The sale deed was executed and registered on 01/04/2021. The applicant is the witness to the sale deed. In spite of execution of the sale deed, possession of row house was not given to the informant.

When possession of row house was demanded by the informant, the husband of applicant informed that he is suffering from Corona, and therefore, it was agreed that rent of Rs.3,500/- would be paid by the applicant and her husband to the informant. Accordingly, rent agreement of 11 months was executed. The applicant has signed the said agreement as a witness. However, no rent as agreed was paid by the applicant and her husband, and the possession is also not given. Therefore, the informant alleges that he is cheated by the applicant and her husband.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. The main accused, i.e. husband of the applicant was arrested, and he is released on regular bail. Learned Additional Public Prosecutor submits that for recovery of the amount involved in the present crime, custody of the applicant is necessary. The allegations made in the FIR, and investigation papers reveal that, *prima facie*, the dispute appears to be of civil nature. Investigation appears to be almost complete. The applicant was granted interim protection, and she has attended the concerned police station and co-operated in the

investigation. In the facts of the present case, pre-trial custodial detention of the applicant is not warranted.

6. The application is, therefore, allowed by confirming the interim protection.

7. Till filing of the charge sheet, the applicant/s shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

**[ NITIN B. SURYAWANSHI ]**  
**JUDGE**

S.P Rane