

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

**ANTICIPATORY BAIL APPLICATION NO.519 OF 2023
WITH
INTERIM APPLICATION NO.867 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.519 OF 2023**

Hasmukh Shamji Shah ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.523 OF 2023
WITH
INTERIM APPLICATION NO.868 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.523 OF 2023**

1. Sunil Vasanji Sangoi
2. Kiran Vasanji Sangoi ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Mr. Niranjan Mundargi with Mr. Maniram R. Gaud for the Applicant in
ABA/523/2023

Mr. S.V. Gavand, APP for Respondent State.

Mr. Karan Mehta with Mr. Harshad Joshi i/b Mr. Akash Shah for the
Applicant in ABA/519/2023.

Mr. Tanmay Vispute i/b. Mr. H.V. Kumarswamy for the Complainant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed

by the aforesaid Applicants apprehending their arrest in C.R. No.73 of 2023 registered with Juhu Police Station, Mumbai, for the offences punishable under Sections 406 and 420 r/w 34 of the IPC.

2. Heard Mr. Niranjan Mundargi and Mr. Karan Mehta, learned counsel for the Applicants and Mr. S.V. Gavand, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime came to be registered pursuant to the FIR lodged by Paresh Natvarlal Dave. It is the case of the First Informant that the Applicants, who are partners of M/s. Dhanlaxmi Builders and Developers had sold to him Flat No.701, 702, 703 and 704 for sale consideration of Rs.03,09,58,644/-. It is alleged that the Applicants herein gave two flats on rent without his knowledge.

4. The records reveal that the First Informant had earlier lodged two complaints dated 25/02/2021 and 25/07/2022 in respect of the same incident. Learned APP states that no crime was registered in respect of the said two complaints in view of the statement made by the Complainant that police should help him recover the money

without registering the crime.

5. Suffice it to say that police machinery cannot be used to recover the dues or to settle any civil disputes between the parties.

6. Considering the nature of accusations and the material in support thereof, in my considered view this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.73 of 2023 registered with Juhu Police Station, Mumbai, the Applicants shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties each to the like amount;

(ii) The Applicants shall report to the concerned

Investigating Officer for a period of two days from 10/04/2023 between 10.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer;

(iii) The Applicants shall not tamper with the

prosecution evidence and or influence the witnesses in any manner.

(iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The anticipatory bail applications as well as the interim applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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