



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

ANTICIPATORY BAIL APPLICATION NO. 528 OF 2023

Vishakha Bhavesh Singh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 529 OF 2023**

1. Namita Rajendra Singh
2. Ms. Khushboo Rajendra Singh
3. Mr. Yogesh Rajendra Singh

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. S.T.Pandey, Kajal Upadhyay, Nagesh Avhad, Nitu Singh, Amima Misha, Angela, Anuj Singh i/b. SBG Law for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

Mr. Dharendra Vyas, original Complainant present.

PSI Vilas Laxman Kalekar from Samata Nagar P.Stn.

**CORAM : ANUJA PRABHUDESSAI , J.
DATED : 18th AUGUST, 2023.**

P.C.

1. The applicants apprehends arrest in Crime No. 1514 of 2022, registered with Samta Nagar Police Station, Mumbai for offences under Section 406, 420, 506, 120B of the Indian Penal Code.

2. Heard learned Counsel for the Applicants, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR dated 24.12.2022 lodged by Dhiren Labhshankar Vyas. The facts narrated in the FIR prima facie reveal that the applicant was in search of a flat at Kandivli. One of the brokers informed him that Flat No. 507, B Wing, Meeth Niketan, Thakur Complex, Kandivli, was for sale. Accordingly, he met the applicant and her husband and other siblings. They agreed to purchase the flat for Rs.1,20,00,000/-. The first informant paid to the applicant Vishakha and her husband total amount of Rs.53,50,000/-. The applicant and her husband subsequently failed to complete the transaction. They repaid an amount of Rs.6,50,000/- but refused to repay the balance amount. Hence the FIR.

4. During the pendency of this application, the applicant filed her affidavit, wherein she has expressed her willingness to pay to the first informant total amount of Rs.53,50,000/- which was received in her account on various dates from 2019 onwards. The applicant has given the schedule of payment in paragraph 3 of the affidavit. The first informant, who is present before the court, is ready to receive the money

as per the schedule given in the affidavit. Learned Counsel for the applicant has today handed over to the first informant a demand draft of Rs.5 lakhs.

5. In view of the statement made by the applicant, and willingness shown to refund the amount of Rs.53,50,000/-, and since the parties are now exploring the possibility of amicable settlement, in my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime No.1514 of 2022, registered with Samta Nagar Police Station, Mumbai, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;

(ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer;

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time;

(iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Both Applications stands disposed of.**

(ANUJA PRABHUDESSAI, J.)