

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

ANTICIPATORY BAIL APPLICATION NO.657 OF 2021

Mrs. Amaro Mohammad Sharif Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. S.C. Singh for the Applicant.

Ms A.A. Takalkar, APP for the Respondent-State.

Mr. R. Gandre, API, Andheri Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 27th JUNE, 2023.

P. C. :-

1. The Applicant apprehends her arrest in C.R. No.954 of 2020 registered with Andheri Police Station, Mumbai, for the offences punishable under Section 420 r/w 34 of the IPC.

2. Heard Mr. Singh, learned counsel for the Applicant and Ms A.A. Takalkar, 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 was registered pursuant to the FIR lodged by Arun Madkaikar. The facts narrated in the FIR prima facie

reveal that Room No.4 in Shankar Patil Chawl was in the name of his father. The Applicant herein, who was the proprietor of M/s. Royal Builders, had agreed to develop the said Chawl under the SRA scheme. The case of the prosecution is that the Applicant had assured flat No.507 in the newly constructed building. It is the case of the First Informant that one Mohammad Akhtar took loan of Rs.12,42,384/- by mortgaging the said flat. Hence, the FIR for cheating.

4. This Court had granted interim protection to the Applicant vide order dated 10/03/2021. Learned APP states that pursuant to the said order the Applicant has reported to the Investigating Officer and has cooperated with the investigation and that the charge-sheet has been filed. Learned counsel for the Applicant states that the Applicant has also deposited an amount of Rs.9,55,000/- before the Bank.

5. It is thus evident that the presence of the Applicant is not required for 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.954 of 2020 registered with Andheri Police Station, Mumbai, she shall be released on bail on furnishing bail bonds in the sum of Rs.30,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

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

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)