

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

ANTICIPATORY BAIL APPLICATION NO. 903 OF 2021

Chaya Mohan Dabade

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Sushrut Jadhwar for the Applicant.

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

Mr. Sarnaik, PSI and Mr. Jadhav, API, Ghatkopar Police Station,
present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in C.R.No.660/2019 registered with Ghatkopar Police Station, Mumbai for offences punishable under sections 406, 420, 465, 466, 467, 470, 471 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and 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 lodged by Vijaynath Upadhyay. The facts narrated in the FIR prima facie reveals

that since 3rd June, 2014 till 13th August, 2015, the Applicant and the other co-accused induced the first informant and received from him total amount of Rs.35,50,000/- on an assurance that they would allot him a flat at low price. The Applicant and the co-accused neither arranged for flat nor returned the money.

4. The records reveal that an amount of Rs.8,00,000/- was deposited in the account of the Applicant. Learned counsel for the Applicant states that the said amount has been returned to the first informant. Learned APP, on instructions, accepts that an amount of Rs.8,00,000/- has been received by the first informant. Learned APP further states that the investigation is otherwise completed and that the charge sheet has been filed against the co-accused.

5. Considering the above facts and circumstances, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.660/2019 registered with Ghatkopar Police Station, Mumbai, she shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like

amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) 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.)

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