



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

ANTICIPATORY BAIL APPLICATION NO. 1246 OF 2023

Swati Mahendra Bhosle

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sanjeev Kadam a/w. Aditi Rajput i/b. Shrishail Sakhare for the Applicant.

None for the Respondent.

Mr. R.M.Pethe, APP for the State.

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

P.C.

1. None present for the Intervenor though the matter was kept back and called out in the afternoon session.

2. The applicant seeks pre-arrest bail in Crime No. 53 of 2022 registered with Vijapur Naka Police Station, Solapur for the offences punishable under Section 420, 447, 451, 452 r/w. 34 of the Indian Penal Code.

3. Heard Mr. Kadam, learned Sr. 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 .

4. The aforesaid crime was registered pursuant to the FIR lodged by Sarika Sudhir Nikalaje. The facts narrated in the FIR prima facie reveal that the applicant and her husband had executed Deed of Assignment dated 21.06.2019 in favour of the first informant and her husband towards sale of Flat No.602-B, Panash Galaxi, Vijapur Road, Solapur., for an amount of Rs.45,00,000/-. The first informant claims to have paid Rs.15,00,000/- to the husband of the applicant, in cash and issued two cheques for Rs.15 lakhs each towards balance sale consideration. The parties had also executed an notarized agreement dated 05.03.2020. The first informant claims that possession of the flat was given to her at the time of execution of the Deed of Assignment. It is alleged that between 17.07.2021 to 18.07.2021 the applicant and her husband unauthorizedly entered the flat and opened the lock, and that they are occupying the flat illegally in breach of the terms of Deed of Assignment as well as the Agreement dated 05.03.2020. It is on record that the first informant has also filed a Regular Civil Suit before the learned Civil Judge, Senior Division, seeking to restrain the applicant and her husband from interfering with her possession in respect of the subject flat. In the said suit, it has been averred that she is in possession of the suit flat and on 5.2.2022 the applicant and her husband had attempted to take possession of the subject flat.

5. Considering the inconsistency in the statement, as well as the

nature of the dispute, which prima facie appears to be of civil nature, this Court by order dated 27.04.2023 had granted interim bail to the applicant. Learned APP states that, pursuant to the said order, the applicant has reported to the Investigating Officer and that she has been interrogated. The investigation is completed and chargesheet has been filed.

6. In such circumstances, no case is made out for custodial interrogation. In my considered view, this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence, interim bail granted by order dated 27.04.2023 stands confirmed.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)