

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

ANTICIPATORY BAIL APPLICATION NO. 1267 OF 2023

Smt. Pushpa Tukara Shetty ... Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Pradeep Thorat a/w. Ms. Aditi Naikare for the Applicant.
Mr. S.V Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th JUNE, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.1421/2022 registered with Dahisar Police Station, Mumbai for offences punishable under sections 420, 406 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Rajesh Gupta. The facts narrated in the FIR prima facie reveals that the Applicant is the owner of New Santosh Bhuvan (Nidhi Bar and Restaurant) situated at Dahisar (E), Mumbai. The Applicant and the first informant had entered into leave and license agreement on 18/12/2017 for a period commencing from 01/12/2017 to 30/06/2021. The first informant has alleged that he has paid

Rs.70,00,000/- towards security deposit. It is also alleged that in the year 2015, the Applicant had availed loan of Rs.40,00,000/- from Matrubhumi Co-operative Credit Society and that he had not repaid the loan and that the bank has seized the premises. The allegations are also made that the Applicant had sold 50% of the share to one Uday Shetty and put him into possession of the said premises.

3. The leave and license agreement prima facie reveals that the first informant was put in possession of the premises. The FIR is lodged after expiry of the five year term indicated in the leave and license agreement. Learned counsel for the Applicant has also brought to my notice that the cheques issued by the first informant towards security deposit, were dishonoured.

4. There is considerable delay in lodging of the FIR. Considering the above facts and circumstances, this is not a case which would justify 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.1421/2022 registered with Dahisar Police Station,

Mumbai, he 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 on 14/06/2023 and 15/06/2023 between 11:00 a.m. to 02:00 p.m. ;

(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 his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)