



Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1392 OF 2023

Sneha Gitesh Bhanushali ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

Ms. Ankita Bamboli, for the Applicant.

Mr. Shrikant Yadav, APP for the State.

PSI Dipak Dabhade, Nhava Sheva Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED : 12th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.59 of 2019, registered with Nhava-Sheva Police Station, Navi Mumbai, for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
3. The first informant lodged a report with the allegations that the applicant, Gitesh Bhanushali; the husband of the applicant, and Naresh Bhanushali, had sold Flat No.402 initially to one Anil Vishwakarma and again the said flat was sold to Abhishek Pingale and a consideration of Rs.11,18,000/-

was dishonestly received from Abhishek Pimple. The first informant had entered into an agreement to purchase the flat from co-accused Gitesh and Narsh. Loan was to be availed from DHFL Housing Finance Company. It transpired that the flat was already sold to Anil Vishwakarma and it was mortgaged. Having realised the fraud the first informant lodged the report.

4. When the matter was initially listed before this Court, on 26th June, 2023, this Court was persuaded to grant interim relief. It was, *inter alia*, opined that no amount has been credited to the account of the applicant. The investigation agency was to ascertain as to whether any amount was credited to the account of the applicant.

5. The learned APP, on instructions of the Investigating Officer, submits that no amount has been credited to the account of the applicant. However, the applicant being a partner of Divya Builders and Developers and an executant to the agreement, which was fraudulently executed, was very much a privy to the fraud. The learned Counsel for the applicant submitted that the applicant being the wife of accused Gitesh had executed the instrument at the instance of the co-accused.

6. Having regard to the nature of the accusation and the fact that the applicant does not seem to be beneficiary of the

transaction in the sense that any amount has been credited to the account of the applicant, at this stage, further custodial interrogation of the applicant does not seem to be warranted. I am, therefore, inclined to make the interim bail order dated 26th June, 2023, absolute on the terms and conditions incorporated therein.

7. The applicant shall henceforth appear before the Investigating Officer as and when directed.

8. The applicant shall regularly attend the proceedings before the jurisdictional Court.

9. It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

10. Application stands disposed.

[N. J. JAMADAR, J.]