

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

ANTICIPATORY BAIL APPLICATION NO. 1539 OF 2023

Smt. Zubeda Zakir Khan	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Ashley Cusher for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. Shailendra Jagadale, IO, BKC Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th JUNE, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R.No.343/2021 registered with BKC Police Station, Mumbai for offences punishable under sections 406, 420 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by one Mrs. Munnawar Shaikh. The FIR prima facie reveals that sometime in the year 2013, the Applicant had entered into an agreement with the first informant for sale of room for sale consideration of Rs.40,00,000/- and an amount of Rs.10,00,000/- was paid as advance. It is alleged that the Applicant neither completed the

sale transaction nor returned an amount of Rs.10,00,000/- received by her towards earnest money.

3. Similar statement is also made by another witness – Sachin Rewale who has alleged that the husband of the Applicant had cheated him to the tune of Rs.6,00,000/- under the pretext of selling the premises. Both these transactions are of the year 2013. The FIR in respect of the said transaction has been filed in the year 2021. There is considerable delay in lodging the FIR. The allegations against the Applicant do not 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.343/2021 registered with BKC 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.

4. The Application stands disposed of.

PREETI
H
JAYANI

Digitally signed
by PREETI H
JAYANI
Date: 2023.06.07
10:56:09 +0530

(SMT. ANUJA PRABHUDESSAI, J.)