

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

ANTICIPATORY BAIL APPLICATION NO. 1615 OF 2023

Aarif Sayeed Shaikh
v/s.

... Applicant

The State of Maharashtra

.... Respondent

Mr. Sunny Aaron Waskar a/w. Harshada Morey, Ms. Bhavika Patil and Mr. Shamish Marwadi i/b. Mr. Dilip Gupta for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. Vilas Tambe, PSI, Dindoshi Police Station, present.

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.327/2023 registered with Dindoshi Police Station, Mumbai for offences punishable under sections 406, 420 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 dated 28/04/2023 lodged by Smt. Kalpana Nandkumar Keni. The facts narrated in the FIR prima facie reveals that the Applicant herein was

occupying room no. 460 in a chawl which had gone for redevelopment. The Applicant agreed to sell to the complainant room which was to be allotted to him in redevelopment project for sale consideration of Rs.17,00,000/-. The Complainant has stated that she had paid to the Applicant the total amount of Rs.17,00,000/-. The Applicant was subsequently allotted room no. 1508. The Complainant claims that the Applicant did not handover possession of the said room and has inducted some tenants in the said room.

4. It is pertinent to note that the Complainant has lodged another FIR wherein she had made similar accusations against the Applicant stating that the Applicant threw her out of the said room with the help of some bouncers. Pursuant to the said FIR, C.R.No.1043/2022 was registered with Dindoshi Police Station. The Applicant had been granted bail in the said crime and it is stated that the charge sheet has already been filed. It is seen that the present FIR is in respect of the same incident which is the subject matter of the previous FIR.

5. Considering the above facts and circumstances, in my considered view, 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.327/2023 registered with Dindoshi 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 12/06/2023 and 13/06/2023 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;

(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.

6. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)