



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

BAIL APPLICATION NO.2179 OF 2023

CHANDA RAJESH BAIRAGI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sunny Aaron Waskar a/w Mr. Shamish Mahesh Marwadi, for the applicant.

Mr. P. H. Gaikwad, APP for the State.

API-Mr. Raut, Dindoshi Police Station present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under section 420 read with 34 of the Indian Penal Code registered on 19/02/2022 vide C.R. No.119 of 2022 with Dindoshi Police Station.

3. The applicant is the accused no.2. The applicant was arrested on 23/04/2022. Accused no. 1 is the husband of the present applicant. It is the allegation that the applicant as well as her

husband are the owners of a flat admeasuring 475 sq.ft. The agreement for sale was entered into in respect of the said flat with the complainant. Accordingly, the applicant towards part of the consideration paid a sum of Rs. 23,01,000/- to the accused no.1 and the applicant. The flat was standing in the joint names of the accused no.1 and the present applicant. It is the prosecution case that the present applicant was present at the time of the transaction. The applicant as well as accused no.1 kept on prolonging the matter on one pretext or the other and failed to execute the document. Further transaction did not materialize. It is then that the present C.R. was registered on 19/02/2022.

4. The flat is standing in the joint name of the present applicant as well as the accused no.1. The entire transaction was primarily between the complainant and the accused no.1 i.e. husband of the present applicant. All the cheques have been deposited in the account of the accused no.1. The applicant is a woman who is in custody since 23/04/2022. The applicant is not the beneficiary of any amount. The investigation is complete. The charge-sheet has been filed. Considering the nature of the accusations against the present applicant, the applicant can be enlarged on bail. There are no

criminal antecedents reported against the present applicant. It is submitted that in respect of the same flat, similar modus operandi has been adopted by the applicant and her husband. They have cheated as many as 4 persons. The applicant's husband is in custody. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Chanda Rajesh Bairagi in connection with C.R. No. 119 of 2022 registered with Dindoshi Police Station shall be released on bail on her furnishing P.R. Bond of Rs.50,000/- with one or more solvent sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not leave jurisdiction of Mumbai/Mumbai Suburban District without intimation to the investigating officer or without the permission of the trial Court.
- (e) The applicant shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(g) The applicant shall surrender her passport, if any, to the investigating officer.

5. The application is disposed of.

(M. S. KARNIK, J.)