IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2132 OF 2023

Mrs. Sneha Rupesh Sawant …. Applicant
v/s.
The State of Maharashtra …. Respondent

Mr. Ashok M. Saraogi i/b. M/s. Anjesh Nilesh LLP for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. A.R. Bachchav, API, Antop Hill Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th JULY, 2023.

P. C. :-

. The Applicant apprehends her arrest in C.R.No.245/2023 registered at Antop Hill Police Station, Mumbai for offences punishable under sections 120-B, 143, 323, 387, 420, 451, 452, 504, 506(2) r/w. 149 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 lodged by Buddhadev Swarnakar. The facts narrated in the FIR prima facie reveal

that the first informant was desirous of purchasing a two bedroom flat. He contacted a broker by name Suresh Yadav. The said broker introduced him to the Applicant and her husband who were the owners of flat no. 1001, Dosti Daizy, Lotus Tulip CHS, Antop Hill, Mumbai-37. The Applicant and her husband agreed to sell the said flat to the first informant for sale consideration of Rs.1,47,00,000/-. Accordingly, MoU came to be executed between both the parties.

4. The flat was mortgaged and at the instance of the first informant, the Applicant paid to the bank an amount of Rs.75,06,354/- and thus cleared the bank loan on behalf of the Applicant and her husband. The first informant was liable to pay to the Applicant and her husband the balance sale consideration of Rs.14,93,646/-. The first informant claims that he tried to contact the Applicant and her husband time and again to pay the balance amount of Rs.14,93,646/- however, they avoided taking his calls and responding to his e-mails.

5. The first informant has alleged that the Applicant went to the flat of the first informant along with her daughters and demanded additional amount of Rs.30,00,000/-. She abused the first informant and threatened to implicate him in a false POCSO case. The first

informant has lodged a complaint regarding the said incident on 01/06/2023. The first informant has stated that the Applicant herein came with her two daughters in the flat and once again threatened the first informant to pay additional amount of Rs.30,00,000/- and further threatened to throw her out of the house with the help of members of MNS party. The husband of the Applicant again contacted the first informant on 03/06/2023 and demanded an amount of Rs.20,00,000/- and/or to vacate the premises. They also threatened to eliminate the entire family. The FIR further reveals that on 13/06/2023, the Applicant along with five other persons had entered the flat and had assaulted the wife of the first informant.

6. The records prima facie reveal that the Applicant and her husband had induced the first informant to enter into an agreement only with an intention of clearing the bank loan. Once the first informant cleared the loan, the Applicant and her husband not only refused to receive the balance amount of Rs.14,93,646/- but demanded additional amount and further threatened to dispossess them and also to cause their death and implicate the first informant in a POCSO case. Learned APP further states that as many as 05 crimes are registered against the husband of the Applicant for offence punishable under

section 420 of IPC. Considering the nature of the accusations and the criminal antecedents, I am not inclined to exercise discretion under section 438 of Cr.P.C. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

PREETI HEERO JAYANI

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