

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

ANTICIPATORY BAIL APPLICATION NO.1633 of 2017

WIHT

INTERIM APPLICATION NO.1194 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.1633 of 2017

Treesha S. Shetty

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Rajendra Rathod with Mr. Abdullah Maknojia for the Applicant.

Ms A.A. Takalkar, APP for the Respondent-State.

Ms Vidhi Mehta i/b. Mr.Aagam Doshi for the First Informant.

Mr. Pawan B. Yadav, API, Powai Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th JULY, 2023.

P.C.:-

1. By order dated 22/03/2018 the Applicant was granted pre-arrest bail in view of the consent terms filed by her. As per the consent terms the Applicant was required to pay a sum of Rs.4 crores in 11 installments as set out in paragraph 4 of the consent terms.

2. The Intervenor has sought cancellation of pre-arrest bail on the ground that the Applicant had not complied with the said consent terms. Since the application was disposed of only in view of the consent terms and considering the fact that the Applicant has not adhered to the consent terms, order dated 22/03/2018 granting bail to the Applicant

herein was recalled and the matter was listed for hearing on merits.

3. On 21/07/2023 the learned counsel for the Applicant handed over Demand draft for a sum of Rs.15,00,000/- to the counsel for the First Informant and made a statement, under instructions that the Applicant shall pay the balance amount by Demand draft by 14/11/2023. In pursuance to the said order, the Applicant has filed affidavit-cum-undertaking dated 27/07/2023, wherein she has undertaken to pay the balance amount by Demand Draft as per the schedule set out in paragraph 2 of the affidavit. Learned counsel for the First Informant, under instructions states that the new schedule is acceptable to the First Informant.

4. In view of the said statement and the voluntary undertaking given by the Applicant to repay the balance amount as per the schedule set out in paragraph 2 of the affidavit, in my considered view this would be a fit case to exercise discretion under Section 438 of the Cr.P.C. in favour of the Applicant.

5. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.531 of 2016 registered with Powai Police Station, she shall be enlarged on bail on executing PR bonds in the sum of Rs. 15,000/- with one or two sureties to the like amount.

(ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) 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.

6. The application stands disposed of.

7. Interim application, if any, stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)