



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

ANTICIPATORY BAIL APPLICATION NO. 2912 OF 2023

Haider Aayub Bhaldar	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Prashant Raul, for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 18th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.18 of 2023, registered with Nerul Police Station, Navi Mumbai, for the offences punishable under Sections 323, 354, 406, 420 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant lodged a report with the allegations that the applicant and his family members had induced her to part with an amount of Rs.12,00,000/- by making a false representation that they would sell a flat situated at Mantri Residency, Panvel. It turned out that the said flat had

already been sold by the applicant to another person. Upon being confronted, a sum of Rs.3,00,000/- was repaid. On 19th February, 2022 the first informant had sent her daughter to the house of the applicant to collect the balance amount. On that day, applicant, Azhar – the brother of the applicant, and his friend Yogesh Patil allegedly abused, assaulted and outraged the modesty of the daughter of the first informant. Matter was reported to police. As the applicant promised to pay the balance amount and requested the first informant not to prosecute the said report, the first informant withdrew the said report. However, the applicant has not paid the balance amount, as promised, and started to avoid the first informant. Hence, the report came to be lodged on 12th January, 2023.

4. Evidently, there is a delay of about 11 months in lodging the FIR. The genesis of the alleged offences appears to be in a dispute between the parties over a transaction to sell the flat. At this length of time, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. I am, therefore, inclined to exercise the discretion in favour of the applicant.

5. Hence, the following order.

: O R D E R :

- (i) In the event of arrest of the applicants in CR No.18 of 2023, registered with Nerul Police Station, Navi Mumbai, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Nerul Police Station on 30th and 31st October, 2023 in between 10.00 am. to 1.00 pm. and thereafter as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.
- (v) Application stands disposed.

[N. J. JAMADAR, J.]