

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

ANTICIPATORY BAIL APPLICATION NO.3466 OF 2022

1. Naresh Kapoorchand Sood

2. Rekha Naresh Sood

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Dr. Abhinav Chandrachud with Ms Kajol Singh for the Applicants.

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

Mr. Sharad Jadhav, PI, Malad Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 11th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No. 544 of 2021 registered with Malad Police Station, Mumbai, for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 r/w. 34 of the IPC.

2. Heard Dr. Abhinav Chandrachud, learned counsel for the Applicants and Ms A.A. Takalkar, learned APP for the Respondent - 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 Balkrishna Subramanyam. Grievance of the First Informant is that the Applicants herein have availed loan from Central Bank of India by mortgaging his property. The First Informant has alleged that in the year 2017 he had learnt that the house was mortgaged.

4. The FIR further indicates that the Bank had taken symbolic possession of the premises on 01/08/2017 and subsequently in the year 2019 premises were sealed and possession of the said premises is handed over to the Central Bank of India. The FIR also reveals that DRT proceedings are pending. This fact itself would justify grant of pre-arrest bail. Hence, without going into the merits of the matter, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R. No.

544 of 2021 registered with Malad Police Station,

Mumbai, the Applicants shall be released on bail

on furnishing bail bonds in the sum of

Rs.25,000/- each with one or two sureties each

to the like amount;

(ii) The Applicants shall report to the concerned

Investigating Officer for a period of two days from **14/04/2023** between 10.00 a.m. to 2.00 p.m. as and when required by the Investigating Officer;

- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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