

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

ANTICIPATORY BAIL APPLICATION NO. 19 OF 2024

Anita Kiran Shiledar

..Applicant

Versus

State of Maharashtra & Anr.

..Respondents

Mr. Pratik Kalantri for Applicant.

Ms. Sharmila S. Kaushik, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 8 JANUARY 2024

P.C. :-

1. The Applicant is apprehending her arrest in connection with C.R.No. 57 of 2020, registered at Upnagar Police Station, Nashik road, under Sections 420, 406, 468, 504, 506(2) and 201 of the Indian Penal Code.

2. Heard Mr. Pratik Kalantri, learned counsel for the Applicant and Ms. Sharmila Kaushik, learned APP for the State.

3. The F.I.R. is lodged by one Sanjay Kanoji on 26.01.2020. Gist of the F.I.R. is that the applicant, her husband

Kiran and son Aniket posed as the developers of the property situated at Jaybhavani Road, Nashik. They agreed to sell a flat in Dynasti building, plot No.301, for Rs.45 lakhs. In that transaction, they obtained Rs.10,80,000/- from the informant and did not handover the flat. His money was lost. On this basis the F.I.R. is filed.

4. Learned counsel for the applicant, at the outset, points out that the applicant had approached this Court by way of A.B.A.No.1930 of 2022. The said application was dismissed for default vide the order dated 10.11.2022. There was no arguments on merits and, therefore, the present applicant is filed for the anticipatory bail. He invited my attention to the pursis filed before the court of the J.M.F.C. Nashik road, in R.C.C.No.246 of 2022 which arises out of the same C.R.No.57 of 2020 of Upnagar police station. He submitted that the charge-sheet is already filed against the accused No.1 and the case is pending before the court of J.M.F.C., Nashik road. The said pursis mentions that the informant had agreed to accept Rs.9 lakhs in settlement of the dispute. The informant had retained his right to seek further amount of

Rs.4,50,000/- if the conditions were violated by the accused. The said pursis was filed on 11.04.2023. Thereafter the applicant renewed her prayer for anticipatory bail before the Sessions Court in A.B.A.No.1788 of 2023. That application was rejected by the Additional Sessions Judge, Nashik, vide the order dated 29.11.2023.

5. I have considered these submissions and I have perused the order passed by the Additional Sessions Judge, Nashik, rejecting her anticipatory bail application. In that order, there is a reference that the intervenor/first informant had opposed grant of anticipatory bail to the applicant, though, there was a pursis on record showing compromise between the parties.

6. Considering this situation, it is necessary to hear the first informant as he was heard by the Additional Sessions Judge, Nashik. At the same time, at this stage, there is a pursis in favour of the applicant showing that an amount of Rs.9 lakhs was returned to the first informant. Therefore, at this stage, till the informant is heard, the applicant can be protected by way of ad-

interim relief.

7. Learned counsel for the applicant states that, since the applicant was without any protection, she did not attend the Magistrate's court and, therefore, as of today, an N.B.W. is pending against her. He submitted that, some protection can be granted to her in respect of that N.B.W., so that, the applicant can attend the concerned Court on the next date.

8. Hence, the following order.

ORDER

- i) Learned counsel for the applicant is granted leave to add the first informant as a party respondent.
- ii) The amendment shall be carried out forthwith.
- iii) After the amendment is carried out, issue notice to the added respondent, returnable on 20.02.2024.
- iv) In the event of her arrest in connection with C.R.No. 57 of 2020, registered at Upnagar Police Station, Nashik road, till the next date, the Applicant be released on bail on her executing

P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- v) This order shall operate till 20/02/2024.
- vi) The execution of N.B.W. issued by the J.M.F.C., Nashik road, in R.C.C.No.246 of 2022, in connection with C.R.No.57 of 2020, registered at Upnagar police station, is stayed till 20.02.2024.
- vii) The Applicant shall attend the concerned court on the next date fixed by that Court.
- viii) Stand over to 20/02/2024.

(SARANG V. KOTWAL, J.)