

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3205 OF 2024

Nikita Kaushik Anam

..... Applicant

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr. Niranjan Mundargi a/w. Mr.Chinmay Sawant, Ms. Keral Mehta, Mr. Pranav Pokale, Mr. Aditya Bagal for the Applicant.

Ms. Supriya Kak, A.P.P. for the State.

Mr.Sanjeev Kadam, Senior Advocate a/w. Mr. Dilip Shinde for the Respondent No.2.

Mr. Siddharth Gharat h/f. Mr. Nitin Sejpal for the Respondent No.3.

Mr. Ashok Shendage, API, EOW, Thane City present.

CORAM : RAJESH S. PATIL, J.

DATE : 14th FEBRUARY, 2025

P.C.:-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 1217 dated 26th July, 2024 registered

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with Kasarvadavali Police Station, Thane City for the offence punishable under Sections 471, 468, 467, 465, 420, 34 and 120-B of the Indian Penal Code, 1860.

2. The present applicant is a lady who has filed for the anticipatory bail. There was a business transaction between the husband of the present applicant and the first informant. Both the persons i.e. the husband of the present applicant and the first informant are developers/builders and have jointly carrying out several development projects. However, there were certain disputes between them. Both the parties have filed cases against each other. The husband of the present applicant is behind bars in the crime arising out of the present FIR. I was shown page no.170 which is saving account bank statement of the present applicant wherein certain entries are seen from the account of the first informant wherein there is credit of Rs.17,50,000/- and so also there is debit entry from the account of the present applicant to the account of the first informant of the sum of

Rs.15,96,000/-. Four accounts of the husband and two accounts of the present applicant are frozen by the police.

3. Taking into consideration the statements of the FIR and documents, I am of *prima facie* view that this is a purely civil dispute between two developers and one of the developer i.e. the husband of the present applicant is already behind the bars, no purpose will be served by putting this applicant/lady behind the bars. The present applicant has two children aged 5 years and 16 years. According to Mr.Mundargi, apart from the applicant, there is nobody else to take care of these two children.

4. According to me, case is made out to grant protection. Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with FIR

No. 1217 dated 26th July, 2024 registered with

Kasarvadavali Police Station, Thane City for the offence punishable under Sections 471, 468, 467, 465, 420, 34 and 120-B of the Indian Penal Code, 1860, the applicant shall be released on bail, on furnishing PR. bonds to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station as and when called.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail

addresses to the Investigating Officer.

5. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]