

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

ANTICIPATORY BAIL APPLICATION NO. 73 OF 2025

Seema Singh .Applicant

vs.

The State of Maharashtra .Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3617 OF 2024**

1. Vikas Singh .Applicants

2. Paramjeet Singh

vs.

The State of Maharashtra .Respondent

Mr. Abhishek Mishra (Through VC), Advocate, for the Applicants in both matters

Mr. D. J. Haldankar, APP, for the Respondent – State in ABA No. 73 of 2025

Mr. Mayur Sonawane, APP, for the Respondent – State in ABA No. 3617 of 2024

Mr. Padalwar, PSI, Khar Police Station, Mumbai present

CORAM : MILIND N. JADHAV, J.

DATE : 10.01.2025

P. C.

1. Heard Mr. Mishra (Through VC), Advocate, for the Applicants in both matters, Mr. Haldankar and Mr. Sonawane, learned APPs, for the Respondent – State.

2. By these Applications, the Applicants apprehend arrest in connection with C. R. No. 1091 of 2024 registered with the Khar Police Station, Mumbai, for the alleged offences punishable under Sections 34, 406 & 420 of Bharatiya Nyaya Sanhita, 2023.

3. The aforesaid Application which is at Sr. No. 916, being ABA No. 73 of 2025 is taken up for hearing along with Sr. No. 44, being ABA No. 3617 of 2024 on today's board. Sr. No. 916 i. e. ABA No. 73 of 2025 is filed by one Seema Singh, who is the wife of Applicant No. 1 in Sr. No. 44, being ABA No. 3617 of 2024 which was heard by this Court on 03.01.2023 and the following order was passed which reads thus :-

"1. Heard Mr. Mishra, learned Advocate for Applicants appearing through Video Conferencing and Mr. Sonavane, learned APP for Respondent – State of Maharashtra.

2. The allegation against Applicants before me who are brother-in-law and husband of principal Accused called Seema Singh shall go and attend the Police Station tomorrow i.e. 04.01.2025 itself before 12:00 Noon and contact the concerned Investigating Officer/PSI – Mr. Padavalwar in Khar Police Station, Mumbai and record their statements.

3. This is in view of the fact that in First Information Report there is categorical statement made by Complainant that both the Applicants met the Complainant pursuant to filing of complaint and assured him that they shall return the entire money back to him. Despite notice issued by concerned Investigating Officer, the Applicants have evaded attending and recording their statement. Once statement is recorded it shall be placed by Mr. Sonavane before me, subject to that further orders shall be passed in the present

Application.

4. In the meanwhile, no coercive steps shall be taken against Applicants before me.

5. Stand over to 10th January, 2025.”

4. That order was passed after perusing the FIR and the statement made in the FIR. Pursuant to filing of the complaint, the Applicants offered to pay back the entire amount which was received rather than balance amount, since the transaction between the parties did not go through. *Prima facie*, it is seen that FIR itself states that Rs. 1,25,000/- has been received by the Complainant and it is only for the balance payment, the complaint has been filed. There is one request made by the Complainant. He would submit that apart from Rs. 10,00,000/- given on the instance of Seema Singh to Vikas Singh and Paramjeet Singh, who are husband and brother-in-law of Seema Singh, the Applicant has also given another amount of Rs. 5,00,000/- to a person by name Yunus Dodamani for the purpose of stamp duty and registration charges but he would candidly informed the Court that the amount was given at the instance of the broker by name one Shadab Hussain whose name figures in the FIR. The said broker is absconding. There is material on record to show that parties desired to have some kind of transaction but nothing is stated in the FIR. Neither there is any MOU nor there is any agreement between the parties so as to believe

either of the parties. The fact that the Complainant has given Rs. 10,00,000/- was admittedly accepted by the husband of Seema and pursuant to the previous order, he has recorded his statement before the Investigating Officer on 04.01.2025. In that statement, Vikas Singh has admitted that he shall pay the balance amount to the Complainant within a period of 120 days. That statement is taken on record. Appropriate affidavit-cum-undertaking shall be filed by the Applicants – Vikas Singh and Paramjeet Singh which would state that they shall return the money received from the Complainant within a period of 120 days. Insofar as the claim against the said third person – Yunus Dodamani is concerned, the Complainant is free to take any steps as available to him in law. In view of the above directions, custodial interrogation of the Applicants is not required in both the Applications.

5. Considering the nature of allegations, all three Applicants are granted pre-arrest bail on the following terms and conditions :

O R D E R

(i) In the event of the arrest of the Applicants, the Applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount;

(ii) The Applicants shall attend the concerned Police Station on the fourth Saturday of every month between 10.00 a. m. and 12.00 noon

or as and when called for by the Investigating Officer;

(iii) The Applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)