

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

**INTERIM APPLICATION NO.5439 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1185 OF 2023**

Shubhangi Dilip Purohit ... Applicant
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Vakil, Counsel a/w Srivastava for the Applicant.
Mr. V. N. Sagare, APP for the Respondent-State.
Shubhangi Purohit, Applicant present in person.
Mr. Vishal Bhansali, Respondent No.2 present in person.
PI V. R. Ambarge, Deonar PS and PSI Dipak Hol, D. B. Marg PS are present.

**CORAM : N.R. BORKAR, J.
DATE : 09TH OCTOBER 2025**

PC. :

1. The Applicant in the present Interim Application is first informant in Crime No. 137 of 2022 registered with D. B. Marg, Police Station for the offences punishable under Sections 406 & 420 read with 34 of the Indian Penal Code. Respondent No.2 herein apprehending his arrest in the said crime filed the above anticipatory bail application. This Court allowed the said Application for anticipatory bail vide order dated 2nd May, 2023. The said order reads thus:-

“ This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.137/2022 registered with D.B. Marg Police Station, Mumbai for offences punishable under sections 406, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and

learned counsel for the Intervenor. 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 Smt. Shubhangi Dilip Purohit. The facts narrated in the FIR prima facie reveal that the husband of the first informant had to undergo dialysis and was taking treatment at Saifee Hospital hence, she was looking for residential premises within the vicinity of the said hospital. She has stated that the Applicant and his father had agreed to sell their Room No.3, 15/B, Aruna Niwas, 4th Floor, Slater Road, Grant Road, Mumbai for sale consideration of Rs.3,50,00,000/-. It is stated that the first informant had paid to the Applicant an amount of Rs.50,00,000/-. It is alleged that the Applicant neither entered into an agreement for sale nor refunded the money. Hence, the FIR for cheating and misappropriation.*
4. *In the course of the hearing, Mr. Satyavrat Joshi, learned counsel for the Applicant made a statement that the Applicant and the co-accused are ready to settle the dispute amicably. He has stated that the Applicant shall refund an amount of Rs.50,00,000/- within a period of one year. He has placed on record affidavit of the Applicant and his father, who is the owner of the said premises wherein they have solemnly affirmed that they will refund an amount of Rs.50,00,000/- to the first informant after selling the Room No.3, 15/B, Aruna Niwas, 4th Floor, Slater Road, Grant Road, Mumbai, which will be done within the period of 12 months from the date of this order. The Applicant and his father have also undertaken to deposit Rs.5,00,000/- before this Court within 20 days from today and further undertake to deposit balance Rs.45,00,000/- within 12 months from the date of the order.*
5. *Mr. Dipak Bhansali, who is the owner of the said flat is present before the Court. Said Dipak Bhansali has also made a statement that he is ready to settle the dispute amicably as per the statement made in the affidavit. Mr.Joshi, learned counsel for the Applicant, on instructions, states that the Applicant and his father have no objection if the amount of Rs.5,00,000/- which will be deposited before this Court within 20 days and the balance amount of Rs.45,00,000/- which will be paid within 12 months, is paid to the first informant. Learned counsel for the first informant also makes a statement, on instructions, that on receipt of the entire amount, the first informant will give her no objection for quashing of the FIR and will co-operate with the Applicant in getting the said proceedings quashed. Statements made by the learned counsel for the respective parties are accepted as an undertaking to the Court.*
6. *Since the parties have agreed to settle the dispute amicably, the Application is allowed on the following terms and conditions :-*
 - (a) *In the event of arrest of the Applicant in C.R.No.137/2022 registered*

with D.B. Marg Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall deposit an amount of Rs.5,00,000/- before this Court within 20 days from the date of this order and balance Rs.45,00,000/- within a period of 12 months as per the statement made before this Court ;

(c) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(d) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(e) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. *The Application stands disposed of. Since the Application is disposed of only in view of the settlement and not on merits, the Applicant is put to notice that failure to comply with the undertaking shall result in recall of bail order and restoration of the Application.”*

2. Alleging breach of condition i.e. non deposit of the amount by Respondent No. 2, the Applicant-first informant has filed the present Interim Application seeking cancellation of Anticipatory Bail.

3. This Court in the present Interim Application on 3rd July 2025 passed the following order:-

“1. *This Court recorded the conduct of the Respondent No.2-Accused-Vishal Bhansali in detail in the order dated 26th June, 2025. Thus, this Court has prima facie observed that since beginning it was the intention of the Respondent No.2 i.e. Accused to cheat and misappropriate the said amount of Rs.50,00,000/- and that order dated 2nd May, 2023 passed by a learned Single Judge in Anticipatory Bail Application No.1185 of 2023 has been obtained by playing fraud on this Court.*

2. *However, the Respondent No.2 - Vishal Bhansali today tenders the affidavit dated 3rd July, 2025. It has been stated in the said affidavit that it was always the intention of the Respondent No.2 throughout to endeavour to honour the statement made by him as recorded in the order dated 2nd May, 2023. He has tendered Demand Draft dated 3rd*

July, 2025 for an amount of Rs.32,00,000/- and has stated that period of 6 weeks be granted to deposit balance outstanding amount of Rs.13,00,000/- so as to comply with the statement made by the Respondent No.2 before this Court as recorded in the order dated 2nd May, 2023.

3. *The Respondent No.2 -Vishal Bhansali who is personally present in Court tenders unconditional apology. He states that he has no objection if the Applicant-Shubhangi Purohit is allowed to withdraw the said amount of Rs.32,00,000/-.*
4. *Accordingly, various statements made in the said affidavit dated 3rd July, 2025 made by Respondent No.2-Vishal Bhansali are accepted as undertakings given to this Court.*
5. *The Anticipatory Bail Application No.1185 of 2023 along with Interim Application No.5439 of 2024 is adjourned to 18th August, 2025.*
6. *In the meanwhile, the Demand Draft of Rs.32,00,000/- issued in favour of Registrar, High Court, Appellate Side is handed over to Mr. Ishan S. Srivastava, learned Counsel appearing for the Applicant - Shubhangi Purohit. He shall take steps to deposit the same with the Registrar, High Court, Appellate Side. The Applicant -Shubhangi Purohit is permitted to withdraw the said amount of Rs.32,00,000/-.*
7. *Stand over to 18th August, 2025.*
8. *It is made very clear that Respondent No. 2 - Vishal Bhansali shall remain personally present in this Court on 18th August, 2025.*
9. *Ad-interim protection granted in favour of Respondent No.2 – Vishal Bhansali shall remain in operation till the next date.”*

4. It is not in dispute that Respondent No.2 has now deposited the entire amount of Rs.45,00,000/- with the Registry of this Court. Respondent No.2 submits that he has no objection if the first informant is permitted to withdraw the said amount.

5. Learned Counsel for the Applicant on the instructions from the applicant, who is present in the Court, makes a statement that the

Applicant will give no objection for quashing of FIR in question if the Petition to that effect is filed by Respondent No.2. In view of the above facts and circumstances, the following order is passed:

ORDER

- i. The Applicant-first informant Shubhangi Dilip Purohit is permitted to withdraw an amount of Rs.45,00,000/- deposited by Respondent No.2 with the Registry of this Court.
- ii. The Registry shall refund the said amount to the first informant Shubhangi Dilip Purohit with accrued interest, if any, within a period of four weeks from the date of making an application by the Applicant to that effect to the Registry.
- iii. The present Interim Application is disposed of in the aforesaid terms.
- iv. The Applications filed by Respondent No.2 do not survive and the same are disposed of accordingly.

(N.R. BORKAR, J.)