

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.188 OF 2025

Rita Kamal Thakkar Applicant

V/s.

State of Maharashtra Respondent

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Mr.Mehul Shah a/w Ms.Chaitali Jadhav, for the Applicant.
Ms.Ranjana Humane, APP, for Respondent-State.
Mr.Dipak Kadbane, API, Kandivali Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th FEBRUARY 2025

P.C:-

. The Applicant, apprehends arrest, in connection with investigation of Crime No.756 of 2022 registered with Kandivali West Police Station, Mumbai, for the offence punishable under Sections 465, 467, 468, 471, 420, 406, 409 read with 34 of the Indian Penal Code, 1860 ('IPC' for short).

2. It is prosecution's case that, the Applicant and co-accused executed Development Agreement for redevelopment of the building with members of Sadguru Society and they have not developed the building as agreed nor paid agreed rent to the members of Society. It is alleged that, the Applicant is partner of firm who executed Development Agreement

3. It is contention of learned counsel for the Applicant that, all allegations are made against Accused Nos.1 and 2. The husband of the Applicant was partner with Accused Nos.1 and 2. The Applicant was owner of the old chawl and her husband entered into Partnership with Accused Nos.1 and 2. The Applicant has no active role as alleged by the prosecution. The Applicant is on interim relief since 2022. She has co-operated in the investigation. Hence, requested to allow the Application.

4. It is contention of the learned APP that, the Applicant was partner in the Partnership Firm of Accused Nos.1 and 2. She has played active role. She has cheated the First informant and occupants of the building. The custodial interrogation of the Applicant is required. Hence, requested to reject the Application.

5. The learned counsel for the Intervenor's fairly submitted that, considering the role of the Applicant, they have no objection to allow her Application.

6. I have heard all learned counsel's. Perused FIR and the documents produced on record.

7. It is prosecution case that, the Applicant was partner with Accused Nos.1 and 2 who had entered into Consent Terms with First Informant and other occupants of the building. They failed to develop the said building as agreed in the Consent Terms. It appears from record that, the Applicant's husband and

Accused Nos.1 and 2 were partners and role of the Applicant was not active, though she was partner but not active.

8. Considering the overall circumstances, I do not find custodial interrogation of the Applicant is necessary. The interim protection is operating since 24th June 2022.

9. Considering these facts, custodial interrogation is not required. Hence, I pass following order.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.756 of 2022 registered with Kandivali West Police Station, Mumbai, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall attend Police Station as and when required.

(iii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)