

Anand

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

BAIL APPLICATION NO.1439 OF 2015

Mrs. Laika Patel alias .Applicant
Saleha Fakhi

v/s.

The State of Maharashtra .Respondent

WITH

CRIMINAL MISC. APPLICATION NO.690 OF 2015
(For Intervention)

IN

BAIL APPLICATION NO.1439 OF 2015

Fatema Sutarwala .Intervener

IN THE MATTER BETWEEN

Mrs. Laika Patel alias .Applicant
Saleha Fakhi

v/s.

The State of Maharashtra .Respondent

Mr.A.H.Ponda i/b. Mr.Shailesh Kharat, Advocate,
for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

Mr.Murlidharan a/w. Mr.Akshay Vora i/b. Joy
Legal Consultants, Advocate, for the Intervener

CORAM : REVATI MOHITE DERE, J.

DATE : 10.09.2015

P.C.

. Heard learned counsel for the applicant, learned APP for the respondent – State and the learned counsel for the intervener.

2. By this application, the applicant seeks her enlargement on bail in connection with C.R.No.84 of 2014 registered with the Cuffe Parade Police Station, Mumbai, for the alleged offences punishable under Sections 409 & 420 of the Indian Penal Code, 1870.

3. The complainant is Chirag Shah. It is alleged by the complainant that he had approached the applicant for booking tickets to go to Bangkok for his sister's wedding. According to the complainant, he had paid a sum of Rs.21,58,200/- to the applicant. The said amount was paid towards tickets for group

booking. It is alleged that the applicant failed to book the tickets after taking the aforesaid amounts and as such cheated the complainant and also committed criminal breach of trust.

4. Learned counsel for the applicant states that the applicant had given a sum of Rs.11,31,898/- to Riya Travels towards booking of the said tickets. He submitted that about 7,00,000/- is payable by the applicant to the complainant. Learned counsel for the applicant on the instructions of the applicant's husband, who is present in Court states that the applicant will deposit a sum of Rs.7,00,000/- in the registry of this Court within five months from today. The said statement is accepted.

5. Learned APP as well as learned counsel for the intervener opposed the bail application. They submit that the applicant has cheated the

complainant for an amount of Rs.21,58,200/-. He has submitted that there is a similar case registered as against the applicant.

6. Be that as it may, the applicant has been in custody since 27.06.2015 i.e. for almost 75 days. Investigation in the said case is almost complete and it appears that charge sheet is likely to be filed in a few days.

7. Considering the aforesaid facts and the statement made by the learned counsel for the applicant, on the instructions of the applicant's husband, who is present in Court, that the applicant will deposit a sum of Rs.7,00,000/- in the registry of this Court within five months from today, the applicant is granted bail on the following terms and conditions:

ORDER

(i) The applicant be released initially on cash bail of Rs.10,000/- for a period of two weeks. The applicant shall thereafter furnish PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount within a period of two weeks of her release on cash bail;

(ii) The applicant shall attend the Cuffe Parade Police Station, Mumbai on the first Saturday of every month between 11:00 a.m. to 12:00 noon for a period of 6 months from the date of filing of the charge-sheet;

(iii) The applicant shall surrender her passport with the Cuffe Parade Police Station, Mumbai and shall not leave the country without the prior permission of this Court;

(iv) The applicant shall deposit Rs.7,00,000/- in the Registry of this Court within five months from today;

(v) The applicant shall file an undertaking with regard to the aforesaid clauses (ii) to (iv) in the Registry of this Court within two weeks of her release.

8. It is made clear, that the observations are prima facie for the purpose of deciding the application and the learned Judge shall conduct the case on its own merits, uninfluenced by the observations made herein.

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

10. In view of disposal of the Bail Application, the Intervention Application does not survive and the same stands disposed of accordingly.

11. Registry to place the matter under the caption "For directions" on 28.09.2015.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.