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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1662 OF 2015**

Nimita Dharmen Shastri

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Prakash Naik i/b Mr.M.K.Kocharekar, for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 30th OCTOBER, 2015

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.366 of 2015 registered with the MHB Colony Police Station,Mumbai for the alleged offences punishable under Sections 381, 420, 464, 465, 471 of the Indian Penal Code.
3. According to the complainant – Kalpana Shinde, an Accountant of Ajmera School, the incident took place on 14th October, 2015. She has stated that the present applicant was working as a

Nutritionist in the said School from 2007 onwards. According to the complainant on 14th October, 2015 when she was working in the office, she received a telephone call from the Axis Bank, where the School had an account, informing her, whether the School Authorities had sent any person to their Bank with a cheque for withdrawing a sum of Rs.3 lacs. It is alleged that the complainant replied in negative and asked the Bank to scan and send the said cheque on the E-mail Account of the School. The said information was disclosed to the Principal of the School. Thereafter, the administrator and the Principal of the said school went to Axis Bank and viewed the CCTV footage. She has alleged that they noticed that one lady and one man had come to withdraw the said amount by cheque. She has stated that before their arrival, the aforesaid persons who had come to encash the cheque had left the Bank. According to the complainant, on making enquiries it was revealed, that the present applicant had committed theft of the cheque book from her office and forged her signature on the said cheque book and attempted to withdraw a sum of Rs.3 lacs from the bank.

4. Learned Counsel for the applicant states that the applicant's

custody is not required, as no money was withdrawn from the said bank. He submits that the cheque book which is lost, stop payment has been done by the school authorities. According to him, there is nothing to be recovered or seized at the instance of the applicant. He submitted that the applicant is a lady with two minor children.

5. Learned APP states that the applicant has admitted committing theft of the cheque book. He submitted that the custody of the applicant is required for recovery of the cheques and for taking her handwriting.

6. Be that as it may, it appears that admittedly no money has been withdrawn from the said bank. It also appears that stop payment have been made with regard to the cheques which have been stolen. Therefore, custody of the applicant is not required. However, for taking the specimen handwriting/signatures of the applicant, learned counsel for the applicant states that the applicant will co-operate with the investigation and will attend the police station and give her specimen handwriting/signatures. The said statement is accepted.

7. Considering the nature of allegations, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station on 6th and 7th November, 2015 between 10.00 a.m. to 12.00 noon ;

(iii) The applicant shall give her specimen handwriting/signatures to the concerned officer ;

(iv) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

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

9. 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.

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

REVATI MOHITE DERE, J.