IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1544 OF 2014

Geeta Sanjay Shah .....Applicant

V/s.

The State of Maharashtra ....Respondent

Ms. Swapna Kode for Applicant
Mr. A. S. Shitole APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 3, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 125 of 2013 registered at Cuff Parade Police Station for offence punishable under sections 420, 465, 467, 468 r/w 34 of Indian Penal Code.

2) It is the case of prosecution that one Emi Jahangir lodged a report at the police station on 18/07/2013, that she had employed one Rupa Vyankat Krishnan to look after her financial affairs. In October 2012, it was noticed that the mother of the complainant was holding about 1200 shares of Supreme Industries Limited. The face value of each share was about Rs. 10/-. After the

demise of the mother of the complainant, shares were transferred in the name of the complainant and her husband. After the demise of her husband, complainant had allegedly filed an application seeking transfer of shares, exclusively in her name and she had also claimed dividend. She had received a letter from an agent informing her that the value of each share has deteriorated to Rs. 2/-. She had, upon inquiry, learnt that an unknown person had produced a bogus death certificate, pan card, election card and transferred the shares in the name of one lady, i.e. present applicant. It is alleged that applicant had operated D-Mat account in the names of various firms. There was transfer of shares without the authority of the shareholder. Hence, complainant was constrained to file F.I.R.

3) In the course of investigation, it was revealed that present applicant has a D-Mat account in Venture Securities. In the course of investigation, it was revealed that brother-in-law of the present applicant was instrumental in operating the said D-Mat account. He was arrested. It was revealed that all 12,000/- shares were transferred in his account and thereafter, 8,000/- shares were sold to Monarch Project and Finn Market Limited and amount of Rs.

14,46,000/- was deposited in Axis Bank in the account of brother-in-law of the applicant and on the same day, said amount was re-transferred in the name of present applicant.

4) Learned counsel for the applicant submits that applicant is not adequately educated to operate D-Mat account. She has only passed 9th standard. Brother-in-law of the present applicant has been enlarged on bail under section 167 (2) of Code of Criminal Procedure, 1973. The State has not challenged the said order and hence, it has attained finality. Learned counsel further submits that in the year 2013, applicant was pregnant. She has delivered a male child on 16/07/2013. That the medical records are also placed on record. Learned counsel further submits that applicant has abided by the orders of the Sessions Court and the High Court and has attended the police station for more than one year and co-operated with the investigating agency to the best of her capacity.

5) In view of this, applicant deserves grant of pre-arrest bail. Observations made herein above are prima facie in nature and shall not be considered for

quashing of F.I.R., discharge application or at the time of trail.

<u>O R D E R</u>

(i) Application is allowed.

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

(iii) Applicant shall report to the police station as and when called.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)