

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.186 OF 2016

Mrs. Swati Ajay Tupe ... Applicant
Vs.
The State of Maharashtra ... Respondent
Mr. Prakash Naik, Sr. Adv. i/b. Aparna R. More, Adv. for the applicant.
Mrs. Veera Shinde, APP for the State.
Mr. Shankar Laxman Newase, Police Naik, Hadapsar PS, Pune present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 1st February, 2016.

P.C. :

1. This is an application for anticipatory bail under Section 438 of the Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.271 of 2015 registered with Hadapsar Police Station, Pune for offences punishable under Sections 403, 406, 420, 467, 468, 471 and 109 r/w. 34 of the IPC.

2. Heard, Mr. Naik, the learned senior counsel for the applicant and Mrs. Shinde, the learned APP for the State. The records prima facie reveal that pursuant to the application filed under Section 156(3) of the Cr.P.C. the aforesaid crime came to be registered against applicant and her husband. The averments made in the complaint prima facie reveal that the complainant had entered into sale transactions with the husband of the applicant. The records do

not prima facie show that the applicant herein was a party to the said transaction. The only allegations against the applicant is that pursuant to the settlement between complainant and the husband of the applicant, the applicant herein had issued cheque in favour of the complainant which was dishonoured. In my considered view the aforesaid allegation would not justify the custodial interrogation. Furthermore the applicant is Police Head Constable hence there is no possibility of absconding.

3. Under the circumstances, the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.271 of 2015 registered with Hadapsar Police Station, Pune, the applicant shall be released on bail bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount to the satisfaction of the Addl. Sessions Judge, Pune.
2. The applicant shall report to investigating officer for 4 days from 10 am to 1 pm. from the date of the receipt of the order or as and when called by the investigating officer for the purpose of the interrogation.

(ANUJA PRABHUDESSAI, J.)