

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.642 OF 2016

MS.VIJAYALAXMI DHONDOPANT BHASME)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri M.K.Kocharekar i/b. Shri Sandip Babar, Advocate for the Applicant.

Smt.Rutuja Ambekar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 10th JUNE 2016.

P.C. :

1 Heard learned counsel for both the sides. The applicant having been involved in Crime No.I-225/2015 registered on 15th April 2015 by Vartak Police Station for the offences punishable under Sections 420, 465, 567, 468, 471, 504, 506, 506(2) of IPC has sought pre-arrest bail.

2 The applicant is protected by interim bail dated 16th April 2016.

3 According to learned counsel for the applicant, she has in no way committed any offence, much less of cheating and had submitted that infact it is the applicant who on having been learnt about involvement of co-accused Amir Siddique and Tushar Pawar in the act of sale of houses by preparing false documents made a complaint and both are arrested by the investigating agency in this crime and has thus contended that applicant be protected by confirming the interim bail.

4 As against this, learned APP has opposed the application contending that there is sufficient evidence to establish involvement of applicant in the present crime and there is also possibility of applicant involving in similar crimes duping others in the tune of lacs of rupees by making false promises. On instructions from Investigating Officer, who is present in the court, it is contended that custodial interrogation of applicant is necessary.

5 Perused the FIR wherefrom it appears that informant Smt.Ujwala Kuthe happened to meet applicant in the house of her neighbour Mr.Kalaskar to whom she expressed her wish to have her own house, upon which the applicant informed the informant that she can arrange for a house in the project of MHADA at Bhakti Park, Wadala, in a slum Rehabilitation Project for Rs.10 Lac. Informant accordingly, by pledging her gold ornaments, arranged to provide Rs.5 Lac to the applicant. Thereafter, applicant demanded further payment of Rs.5 Lac, which she, however, agreed to be pay after possession, when applicant informed her that without payment of further amount of Rs.5 Lac, no house shall be allotted to her and in the background of said facts, when the informant started demanding back amount of Rs.5 Lac paid to applicant, she refused to repay the same on one or the other count, however paid Rs.50,000/- by issuing Cheque No.100019 which is honoured.

6 On perusal of case diary, it is found that one letter alleged to be an allotment letter dated 16th July 2010 is procured by the investigating agency with reference to some project providing one alternate accommodation to the applicant in Bhakti Park, Wadala, on imposing certain conditions, which document is stated by the prosecution to be false and fabricated and investigation upon this document is going on to ascertain as to wherefrom applicant has procured it and who has issued the same.

 Similarly from the statement of jeweller on record along with purchase bills, it is revealed that informant, by pledging her gold ornaments to make the amount demanded by the applicant, had obtained about sum of Rs.2,15,000/- and Rs.1,20,000/- respectively from two jewellers. The learned APP, on obtaining instructions from Investigating Officer, makes a statement that the case diary also forms a part of bank statement establishing withdrawal of Rs.50,000/- by son of informant on the strength of cheque issued by the applicant.

7 Having considered the nature of offence, prima facie since it is found that there is sufficient evidence for which custodial interrogation of applicant is necessary to reach to a logical end of the crime, the application is liable to be rejected.

8 Hence following order :

Anticipatory Bail Application No.642 of 2016 is

rejected.

(P. N. DESHMUKH, J.)