

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 737 OF 2016

Aishwarya Amolsingh Patil @ Girasey ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Sagar Vaswani, Advocate for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **25th April, 2016.**

P.C.:

Not on board. Upon mentioning, taken on board.

2. This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under sections 465, 467, 468, 471, 420 of Indian Penal Code. The offence is registered at the instance of Smt. Beena Rajesh Mehta at C.R. No. 48 of 2016 with Samta Nagar Police Station, Mumbai on 26th January, 2016.

3. It is the case of the prosecution that the complainant got acquainted with the applicant/accused in the year 2011 and the applicant/accused told that the complainant she was working in HSBC Bank and the complainant could obtain loan for lesser interest. The complainant trusted applicant/accused. The applicant/accused came to her house with the bank form and application. The complainant handed over necessary documents to her and at that time, accused demanded Rs.1,50,000/- cash.

The complainant handed over Rs.1,50,000/- cash to applicant/accused. Thereafter the complainant found that said money was not deposited and she did not get any loan, so she contacted bank officials and showed the photocopy of the receipt which was issued by the applicant/accused to her. She was informed by the bank officials that the photocopy was bogus and no such receipt was handed over by the bank to her. It was informed by the Bank Manager that no application for loan in her name was presented ever and applicant/accused is suspended from the service much earlier. Therefore, the complainant lodged against the applicant/accused. Hence, this Application.

4. The learned counsel for the applicant/accused submitted that the applicant/accused is innocent. The complainant's husband has approached the Consumer forum and has lodged the complaint against HSBC Bank which is pending wherein the applicant/accused is not an opposite party.

5. Learned APP opposed the Anticipatory Bail Application.

6. On perusal of the FIR, I am of the view that it is not a case where protection under section 438 of Cr. P.C. can be granted. Hence, the Application for anticipatory bail is rejected.

(MRIDULA BHATKAR, J.)