

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.609 OF 2015

Suvarna Gulabi Changa ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Mr. M.A. Choudhari, for the Applicant.
Mrs. S.S. Kaushik, APP for Respondent – State.
Mr. Santosh Kanchar i/b. Ms. Nisha Mehra, for the Intervener.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 15th MARCH, 2016

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 405, 406, 408, 416, 417, 418, 420, 426, 464, 468, 469, 471 and 474 of the Indian Penal Code in C.R. No. 11 of 2014 registered with Bhandup police station, Mumbai. The offence is registered at the instance of one Vijay Mane on 8th December, 2010.

2. It is the case of the prosecution that the complainant was working as a trustee of Karnataka Yuvak Mitra Mandal, Bhandup

which was running a school. The said school has purchased a land from one Vimal Salvi in the year 1977. The applicant/accused has joined as Assistant Teacher in the said school and promoted to the Principal of the said school. However, it is found that in the year 2005 she has purchased the said land of the trust from Vimal Salvi for Rs. 5 lacs with a registered conveyance deed. It is the case that the land though was sold to the trust, it remained in the name of Vimal Salvi for the purpose of revenue record but the applicant/accused by abusing her post as Principal of the school, purchased the said land for Rs. 5 lacs by a registered conveyance deed and thus cheated the trust and committed the offence.

3. The learned counsel for the applicant/accused has submitted that the applicant has purchased the said land by registered conveyance deed and the said land belong to the trust. There is a dispute in respect of the ownership of the said land whether the land belong to the trust or not. She has purchased the said land by paying 3.5 lacs in cash. He further submitted that the civil suit is filed against the applicant/accused by the trust. So also the matter is pending with the Charity Commissioner. Therefore, the

custody of the applicant/accused is not required. Hence, he prays for pre arrest bail.

4. The learned prosecutor while opposing the application, submitted that the manner in which the applicant/accused has committed the offence is serious. She purchased the land of the trust though she was fully aware that this may amount to breach of the trust. Therefore, her custodial interrogation is necessary in this case.

5. Perused the first information report and other documents. The offence is committed against the trust. The proceedings are pending before the Charity Commissioner. The applicant/accused is already dismissed from the trust. The civil litigation is pending before the civil Court. There are no criminal antecedents against the applicant. The offence is registered in December, 2014 and the applicant/accused has granted interim pre arrest bail by an order dated 9th June, 2015 by this Court. She is attending the police station since then. It appears that the offence is based on the documents.

6. In view of the above, the interim pre arrest bail granted

to the applicant on 9th June, 2015 is hereby confirmed on the same terms and conditions. Now the applicant/accused is directed to attend the concerned police station as and when required by the investigating officer till filing of the charge-sheet.

(MRS.MRIDULA BHATKAR, J.)