

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1001 OF 2016

Yogini @ Anita Walawdekar @ Shilpa Damle	...	Applicant
V/s. The State of Maharashtra	...	Respondent

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Mr. Ganesh Gole, Advocate for the Applicant.
Mr. N.B.Patil, APP for the Respondent/State.

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CORAM : N.W.SAMBRE, J.

DATED : 20th December, 2016.

P.C.

1 The applicant is seeking pre-arrest bail in Crime No.I-54 of 2016 for the offence punishable under Sections 420, 406, 465, 467, 468, 471, 34 of IPC.

2 The prosecution case against the present applicant is, the applicant along with her son and other persons accepted amounts promising admission to medical courses and has practised fraud on the complainant and the parents and aspiring students.

3 While trying to make out case for grant of pre-arrest bail, the learned counsel for the Applicant submits that there are no criminal antecedents, investigation in the matter is over as the charge-sheet is

filed. Applicant being a public servant is very much available for investigation. Applicant is named only for the purpose of recovering the amount involved in the crime in question.

4 The learned APP strenuously opposed the application on the ground that the applicant has avoided arrest till date as she all the time from 2015 waited for filing of the charge-sheet. It is then claimed that there is enough material to connect the present applicant to the crime in question as is apparent from the statement of the complainant Shivam, the interaction between the applicant and the said complainant on mobile phone, etc.

5 Perused the investigation papers in the form of charge-sheet. It is brought to my notice by the learned counsel for the Applicant that the applicant is granted ad-interim protection before this Court since 8.7.2016.

6 The FIR and the statements of the complainant and other witnesses attribute specific role to the applicant in the crime in question making false promise of admission in management quota in medical sciences. Receipt of the amount and false promise is equally attributed to the applicant in the investigation papers.

7 Applicant though is a staff nurse with Bombay Municipal Corporation, however, looking to the material available against her on record, in my opinion, her custodial interrogation is very much warranted as the said status of the applicant is sought to be used in the

crime in question assuring admission in the medical science courses in the management quota.

8 The fact remains that offence is registered in February, 2015 and the applicant has moved before this Court before filing of the charge-sheet as such, the applicant has waited till filing of the charge-sheet cannot be accepted. However, in view of the material available on record against the applicant, in my opinion, no case for pre-arrest bail is made out. It is because of the act of the present applicant, students have lost their valuable academic year. Application fails and stands rejected.

9 The learned counsel for the applicant upon instructions submits that the applicant shall surrender on 28.12.2016. Ad-interim protection is continued till then pursuant to an undertaking.

(N.W.SAMBRE, J.)