

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1063 OF 2016**

Smt. Alka Siddheshwar Gaikwad. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. Umesh R. Mankapure, advocate for Applicant.

Mr. Prashant Jadhav, APP for State.

Mr. A.B. Shinde, PSI, Vita Police Station, Sangli.

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**CORAM : SMT. SADHANA S. JADHAV,J  
DATE : AUGUST 29, 2016**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers of investigation.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. It appears that on 1<sup>st</sup> March, 2016 complainant Dadaso Sathe lodged first information report at the Vita Police Station alleging therein that the son of the present applicant had sold 15 gunthas out of land Gat No. 507 and it was agreed that the total

consideration of the said land would Rs. 15,40,000/-. The agreement to sale was executed by her husband the guardian of the son who was shown as the minor owner of the said land. It further appears from the sale deed dated 18/9/2008 that the land was to be sold for legal necessity. According to the complainant, subsequently the same land was sold by the son of the applicant in favour of the first informant and hence, the complainant was cheated. The Hon'ble Predecessor Court has observed that as per the prosecution case, the applicant herein appears to be the consenting party to the subsequent transaction. The learned Counsel for the applicant submits that the applicant herein had no knowledge about the earlier transactions and therefore, no criminal liability can be fasten upon her.

3 In these circumstances, taking into consideration the nature of allegations, the applicant deserves pre-arrest bail on same terms and conditions as imposed by this Court vide order dated 27/6/2016.

4     However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of deciding application for discharge or quashing of FIR or at the time of trial.

5     Hence, following order is passed :

**ORDER**

- (i)    In the event of arrest in Crime No. 79/2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.5,000/- and on her furnishing surety in the like amount.
- (ii)   The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or any police officer.
- (iii)   The applicants shall attend the concerned police station as and when called and shall cooperate with the investigating agency.

iv) The applicant shall not tamper with the prosecution evidence in any manner.

6 The application stands disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**