

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1212 OF 2016

Mrs. Seema Ashok Sharma

.....Applicant

V/s.

State of Maharashtra

.....Respondent

* * * * *

Ms. Manjiri Parasnis, Advocate for the applicant.

Ms. Sharmila Kaushik, APP for the respondent, State.

S.T. Patil, Police Hawaldar-1944, Mira Road Police Station present.

CORAM :- N.W. SAMBRE, J.

DATED :- 16th NOVEMBER, 2016.

P.C. :-

1). The applicant is seeking pre-arrest bail in Crime No. 371 of 2015 punishable under Sections 420, 506, 507 read with Section 34 and Sections 468, 471 Indian Penal Code on the ground that she was cheated by her husband-main accused Ashok by endorsing her signature on a leave and license agreement in relation to a premises which are admittedly not owned by the applicant and her husband. Apart from denying the signature on the leave and license agreement, it is argued before this Court that the applicant, having regard to the activity of her husband with whom she married in

2005 has initiated divorce proceedings being Marriage Petition No. 107 of 2016 before the Civil Court at Thane. The learned Counsel for the applicant, would then urge that the applicant since is required to look after her two kids, her custodial interrogation is not necessary.

2). The learned APP opposes the application on the ground that the applicant has put her signature on the leave and license agreement though she is not the owner of the premises in question and custodial interrogation is very much necessary in the background of narrations in the FIR.

3). Having considered the rival submissions, it is required to be noted that the offence in question came to be registered on November 2nd, 2015. The present applicant is married to main accused, Ashok in 2005 and appears to have resided with him till date and it is only after the offence in question came to be registered in November, 2015 so as to create a defence, she appears to have filed divorce proceedings.

4). Apart from above, admittedly the applicant and her husband are not the owner of the property, much less, any authority in law to execute a leave and license agreement in the capacity of landlord.

5). In this background, prima-facie, no case is made out by the applicant. The application is rejected.