IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1343 OF 2016

Miss Kashmira Pradip Shah … Applicant
vs.
The State of Maharashtra … Respondent

Mr. A.P.Mundargi, Senior Counsel i/b. Mr. Abhishek Yende, Advocate for the Applicant.
Mr. Vinod Chate, APP, for the State.
Mr. Mahendra M. Pawar, Police Havildar, Khadak Police Station, Pune, present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 31st August, 2016.

P.C.

1. Heard. This is an applications under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.193/2016 registered at Khadak Police Station on 19.7.2016 for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code.

2. Perused the papers of investigation

3. On 19.7.2016, Abhishek Ramesh Mutha lodged a report at Khadak Police Station alleging therein that in March 2016, he had met the applicant in Criminal Application No. 1343 of 2016 and had informed him

that she knows a trader in diamonds who would be reliable and was interested in purchasing diamond ornaments. On 28.3.2016, she had accompanied the first informant to the office of Dinesh Jain. There on 30.3.2016, the complainant was introduced to Dinesh Jain and Rajkumar Jain as well as Vijay Jain. Ornaments were shown to Dinesh Jain and his partner. They had approved the ornaments and had informed the first informant that they would pay the consideration on the next date. On the very day, they had issued two cheques for the total amount of Rs.32,81,000/-. That thereafter the ornaments were handed over to Dinesh Jain. On 27.6.2016, the complainant had been to the office of Dinesh Jain. That Vijay Jain was present in the office and had informed the first informant that Dinesh Jain had informed him and Rajkumar Jain about the ornaments and that if he desired to take back the ornaments, he should pay the amount of Rs.6 lakhs. Thereafter, the complainant had realized that he had been cheated and approached the police station and lodged a report. The principal allegation against the applicant in Criminal Application No.1343 of 2016 is concerned, when she had introduced the first informant to the diamond trader as she only knew that they were dealing in diamond jewellery. The cheques issued by Dinesh Jain have been dishonoured and the whereabouts of Dinesh Jain are not known till today. However, Vijay

Jain has been arrested and is in custody.

4. The learned Senior Counsel appearing for the applicant submits that the applicant had no knowledge that Dinesh Jain would turn out to be a fraud. She only knew that he is a trader in diamond jewellery and that she had introduced both the parties. The applicant has been protected by this Court vide order dated 5.8.2016.

5. The above observations are prima facie in nature and the learned Sessions Court shall not be influenced by the same at the time of considering the application for quashing, discharge application or at the time of trial.

6. Taking into consideration the nature of allegations, this Court is inclined to grant pre-arrest bail to the applicant on the same terms and conditions.

The application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)