IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1515 OF 2015

Ms. Dharini Singh d/o.
ShriBrijesh Kumar Singh ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Nilesh Pawaskar a/w. Sangeeta Pawaskar i/b. Niraj Gupta for the Applicant
Mr. Arfan Sait, APP for the Respondent-State.
Mr. Surel Shah a/w. Ms. Gauri Shah for the Intervenor in APPP/125/2016.
Mr.B.Y.Raut, PSI, Kondhwa Police Station.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 11, 2016.

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending her arrest in Crime No.198 of 2015 registered with Kondhawa Police Station for offences punishable under Section 408, 420, 465, 468 of the Indian Penal Code.

2. The case of the prosecution in brief is that the applicant who

was employed with Nyati Club Resort as Assistant Manager (Sales). The allegations against the applicants are that the applicant had generated membership by offering illegal discounts to the prospective members for forging some documents. It is alleged that by inducting such members, the applicant had collected incentives to the tune of Rs.5,21,837/-. The complainant had therefore lodged a private complaint being RCC No. 324 of 2014 before the JMFC (Camp) Pune. Pursuant to the order dated 30.4.2015 passed under Section 156(3) of Cr.P.C., Crime No. 198 of 2015 has been registered against the applicant at Kondhwa, Police Station at Pune for the offence under Section 408, 465, 428 of IPC. Apprehending her arrest in the said crime, the applicant had filed application for anticipatory bail which came to be dismissed by the learned Addl. Sessions Judge, Pune vide order dated 10.8.2015. Hence the present application.

3. Heard the learned counsel for the applicant, the leaned Counsel for the Intervenor and the learned APP for the State.

4. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties. The records prima facie indicate that the applicant was working as a

Manager for the complainant company. The allegations in the complaint prima facie reveal that the applicant had enrolled some members by assuring them that the membership was for period of 25 years, though in fact the term was for 10 years. The allegations in the complaint also prima facie indicate that the applicant herein had altered some of the documents for her own benefit. It is alleged that by enrolling the said members, the applicant had wrongfully collected incentives of Rs.5,21,837/-.

5. The records prima facie reveal that the applicant has already paid to the complainant company the said amount of Rs.5,21,837/- received by her as incentive. The records prima facie reveal that the applicant had lodged a complaint dated 9th March, 2014 against the complainant company alleging that despite the payment of Rs.5,25,000/- the complainant company had obtained her signatures on some typed stamp papers and that she was compelled to issue several cheques for Rs.16 lakhs on the ground that the company had suffered loss because of the enrollment of the said members. The present complaint came to be filed in the month of May 2014 and the FIR has been registered on 14.5.2015. The delay in lodging the

complaint as well as the nature of the allegations levelled against the applicant do not justify custodial interrogations. The fact that the complainant company has suffered loss cannot be the ground for rejecting the application for bail. The applicant, otherwise has no criminal antecedents. Considering all the above facts and circumstances, the applicant, in my considered view is entitled for bail. Hence the application is allowed on the following terms and conditions :-

i) In the event of the arrest of the applicant in Crime No.198 of 2015 registered with Kondhwa Police Station, the applicant be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the learned JMFC, Pune, out of which one should be a local surety.

ii) The applicant shall furnish to the Investigating Officer her contact number and other contact details including permanent address as well as temporary address if any. The Investigating Officer shall verify the same, before the applicant is released on bail.

iii) The applicant shall report to the Investigating Officer as and when called and required for the purpose of investigation and interrogation.

(ANUJA PRABHUDESSAI, J.)