

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2301 OF 2015

Asha Laxman Kokitkar Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr S.S.Karmarkar for the applicant.
Ms Rutuja Ambekar, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 20th January, 2016

P.C.

1) The applicant is seeking bail in CR No. 106/2015 dated 31.3.2015 registered with Vanrai Police Station, Mumbai, for the offence punishable under sections 420, 406 of the IPC.

2) The FIR is lodged by Smt. Warsha Shinde on 31.3.2015 stating that she was residing in a hut. As there was no facility of toilet inside the room, she sold her two huts and from the money which she received, she was in search of a low cost room. That she came in contact with the applicant through an agent. The applicant represented herself to be the agent of MHADA and promised the complainant that she will get a room allotted to a mill worker at Goregaon. The complainant had received an amount of Rs. 29,00,000/- by way of sale of her huts. The

complainant thereafter went to the office of the applicant where one lady by name Smt. Vijaya Khadpe (absconding accused) was present. The applicant informed the complainant that the said lady is the owner of room bearing No. 1401, Morarji Mill Complex, Goregaon (East). It was decided that the consideration of the said room will be paid in cash. That the co-accused, namely Vijaya Khadpe informed the complainant that she does not have any bank account in her name and, therefore, requested to pay the amount in cash to her. She also informed the complainant that the said amount can be deposited with the applicant as it was not possible for the said Smt. Khadpe to come every time to collect the said amount. That in pursuance of the promise made by the applicant and co-accused Vijaya Khadpe, the complainant paid total amount of Rs.29,00,000/-, in cash, to the applicant. The documents pertaining to the said transaction were prepared by Advocate Vaishali Kadam. The complainant has further stated that the applicant being the agent of Smt. Khadpe, thereafter handed over the possession of Room No.1401 and informed her that registered deed will be handed over to the complainant in due course of time.

3) That on 7/8/2014 the officers of MHADA inspected the said flat and put their seal on it. The applicant, thereafter, made arrangement of residence of the complainant in Room No. 1709 of the said duplex. The original owner of the said room came there and told the complainant that

the said room has been given on leave and licence to the applicant for the period of 11 months. The complainant realised that the applicant by introducing herself as an agent of the MHADA has committed criminal breach of trust and, therefore, she lodged the said FIR.

4) Heard the learned counsel for the applicant and the learned APP for the State and perused the copy of charge sheet annexed to the application.

5) It is to be noted here that the statement of advocate Vaishali Kadam is conspicuously missing in the charge-sheet. Further it appears from the perusal of the FIR and other documents that the applicant has acted as an agent of the absconding accused Smt. Vijaya Khadpe. That nothing is recovered at the instance of the applicant when she was in police custody. The charge-sheet is already filed. There are no antecedents at the discredit of the applicant.

6) In view of the above, the applicant has made out a case for her release on bail.

7) Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No.I-106/2015 registered with Vanrai Police station, on her furnishing a PR. bond of Rs.1,00,000/- with one or two solvent local sureties in the like amount;

(b) After her release from jail, the applicant shall

attend the Vanrai Police Station, Mumbai on first Monday of every month between 10:00 a.m. to 12:00 noon.

(c) The applicant shall not tamper with the evidence and/or influence the witnesses;

The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)