

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 945 OF 2017**

Daphne Beatrice Sequeira	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Sartaj Shaikh for the Applicant

Mr. Rajan Salvi, A.P.P for the Respondent-State

PSI Mr. A. B. Bhosale from Koregaon Park Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 5th JUNE, 2017

P.C.

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 121 of 2014 registered with the Koregaon Park Police Station, Pune, for the alleged offences punishable under Sections 403, 406, 420, 427, 120B of the Indian Penal Code.

3. Learned Counsel for the applicant submits that there is absolutely no material to connect the applicant with the alleged offence. She submitted that the applicant was not a signatory to the Memorandum of Association and Articles of Association entered into between the complainant and her husband Erick Sequeira and other accused. She relied on the Memorandum of Association and Articles of Association of Bramha Sequeira Hospitality Pvt. Ltd., which is on page 101 of the application. She further submitted that the said document, at page 114 shows that the applicant is not the Director of the said Company. She further submitted that pursuant to a private complaint filed by the complainant in 2014, the learned Magistrate was pleased to issue an order under Section 156(3) of the Cr.P.C., pursuant to which, the aforesaid FIR was registered. She submitted that the applicant's husband Eric Sequeira was arrested only on 12th April, 2017 and that he expired on 4th May, 2017 whilst in magisterial custody. Learned A.P.P does not dispute the aforesaid facts.

4. Perused the papers. The complaint has been filed by Ramkumar Agrawal, authorized Director of Bramhacorp Limited, through his Power of Attorney holder Mrs. Alka Rege as against several persons

including the applicant and her husband Eric Sequeira. It appears that on 25th September, 2014, the learned Magistrate, Pune was pleased to order an investigation under Section 156(3) Cr. P. C., pursuant to which, the aforesaid FIR was registered on 10th November, 2014, alleging the aforesaid offence. The Memorandum of Association and Articles of Association show that Eric Sequeira, Melody Sequeira, Milton Gonsalves, Martina Sequeira, Ramkumar Agrawal, Vinodkumar Agrawal, Mahendra Agrawal and Ajay Agrawal are signatories to the same. The said document has not been signed by the applicant. It is not in dispute that the applicant is not a signatory to any of the documents, which is the subject matter of the FIR.

5. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail, on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called;

(iii) The applicant shall not leave India, without the permission of the trial Court;

(iv) The applicant shall cooperate in the conduct of the trial.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.