

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1020 OF 2017

Martina Michelle Sequeira .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Sanjog Parab i/b. Ms Sartaj Shaikh, Advocate,
for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.07.2017

P.C.

. Heard learned counsel for the parties.

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 nothing to show that the Applicant had received any money. He relied on the document which is on page No.151 of the Application to show that the Applicant had resigned from the office of Directorship of Bramha Sequeira Hospitality Private Limited. Learned counsel further submits that even otherwise, the allegations pertain to the year 2009 and that the Applicant was in noway concerned with the transaction that was entered into by her father – Eric Sequeira with the Complainant.

4. Learned APP is unable to show that the present Applicant had received any amount from Eric Sequeira.

5. Perused the papers. A private complaint was lodged by Ramkumar Agarwal, authorized Director of Bramhacorp Limited, through his Power of Attorney holder – Mrs.Alka Rege, as

against the Applicant and several others. On 25.09.2014, the learned JMFC, Pune was pleased to pass an order under Section 156(3) of the Code of Criminal Procedure, pursuant to which the aforesaid FIR was registered on 10.11.2014, alleging the aforesaid offences. It appears that the transaction was between the Complainant and the father of the Applicant i. e. Eric Sequeira and that Eric Sequeira had received amounts. At this stage, there is nothing to show, that the Applicant had received any amount, pursuant to the said transaction. The transaction is of the year 2009.

6. In the peculiar facts of this case, custodial interrogation of the Applicant is not required. The Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for till the filing of the charge-sheet or for a period of three months whichever is earlier;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in

accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)