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

ANTICIPATORY BAIL APPLICATION NO.1070 OF 2017

1.	Nilam Avinash Koli	
2.	Geeta Sanjay Koli	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.K.S.Patil, for the Applicants.

Mr.Y.M.Nakhwa, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 20 of 2017 registered with the Kalamboli Police Station, Raigad, for the alleged offences punishable under Sections 465, 467, 468, 471, 474, 120(B) of the Indian Penal Code.
3. Learned Counsel for the applicants states that the applicants were the sleeping partners and as such were not concerned with the day to

day activities of the partnership firm. He submitted that the applicants' husband have been arrested and are presently lodged in custody. He further submitted that the applicants were on interim bail, till their application seeking Anticipatory Bail came to be rejected. Learned Counsel for the applicants has tendered an undertaking of both the applicants. The said undertaking is taken on record and marked 'X' for identification. Both the applicants have undertaken to deposit a sum of Rs.9 lakhs each, without prejudice to their rights. The applicants have undertaken to deposit a sum of Rs.4,50,000/- each, in the Registry of this Court, within two weeks from today and the balance amount of Rs.4,50,000/- each within 3 months from 21st August, 2017. The undertaking given by the applicants is accepted.

4. Learned APP states that the amount to be received from the applicants is to the tune of Rs.9,65,000/- each. He does not dispute the fact, that the business was essentially being conducted by the applicants' husband and not by the applicants.

5. In the peculiar facts of this case and essentially considering

the undertaking given by the applicants, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions:-

ORDER

- i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;
- ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

6. The applicants shall abide by the undertaking given by them and deposit a sum of Rs.4,50,000/- each, in the Registry of this Court, within two weeks from today and the balance amount of Rs.4,50,000/- each within 3 months from 21st August, 2017. It is made clear that, the aforesaid amount is deposited by the applicants without prejudice to their rights.

7. Registry to invest the amounts so deposited by the applicants, in Fixed Deposits with any nationalized Bank, initially for a period of one

year and thereafter to be renewed from time to time. The Trial Court shall pass appropriate orders, on the said amounts, so deposited by the applicants, at the conclusion of the trial.

8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. Stand over to 30th October, 2017, for 'Directions', for recording compliance of the undertaking.

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

REVATI MOHITE DERE, J.