

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

CRIMINAL APPLICATION NO.624 OF 2017

Poonam Jaidev Shroff

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

.....

Mr.Amit Desai, Senior Advocate, Mr.Pramod Badekar, Mr.Ameet Naik, Ms.Anuja Jhunjhunwala i/b. M/s.Naik Naik & Co., Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent - State.

Mr.A.H. Ponda a/w. Waseem Pangarkar i/b.MZM Legal, Advocate for Original Complainant.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 22, 2017.

P.C. :

Not on Board. Production of papers is allowed at 3.00 p.m.

2 The applicant was granted anticipatory bail in connection with C.R. No.169 of 2016, registered with Khar Police Station, Mumbai for the offences punishable under Sections 328, 323 and 504 read with Section 34 of the IPC. In the order dated 27th April, 2016, while granting anticipatory bail, it was directed that in the event of arrest of applicant, she be released on P.R.

Bond of Rs.3,00,000/- with one or two sureties in the like amount and of which one surety shall be local surety.

3 Learned advocate for the applicant submits that pursuant to the said order, the applicant was not arrested and hence the question of release of applicant on P.R. Bond did not arise. However, he submits that the charge-sheet is filed against the applicant before 9th Metropolitan Magistrate Court, Bandra, Mumbai and summons has been issued which is returnable today i.e. 22nd June, 2016. The applicant apprehends that in view of the order passed by the Session Court granting anticipatory bail, applicant will have to furnish surety which will not be possible for her to do so and, therefore, it is submitted that applicant may be permitted to furnish cash security in lieu of surety. Learned APP opposed the prayers made in this application. Learned advocate appearing for the complainant submitted that the State has preferred an application seeking cancellation of anticipatory bail order. He submitted that if any order is passed by this Court it should not cause any prejudice to the rights of the State seeking cancellation of the order granting anticipatory bail.

4 Taking into consideration the peculiar circumstances, I am inclined to pass the following order:

:: ORDER ::

- (i) In accordance with the order dated 27th April, 2016 passed by the Additional Sessions Judge, Greater Mumbai in Anticipatory Bail Application No.707 of 2016, the applicant is permitted to furnish cash security in the same amount as mentioned in the order dated 27th April, 2016 for a period of six weeks;
- (ii) Time to furnish surety is extended for the period of six weeks from the date of appearance before the trial Court;
- (iii) It is clarified that this order is passed without prejudice to prayers made in Miscellaneous Application No.389 of 2016 preferred by the State which is pending before the Sessions Court.
- (iv) Criminal Application stands disposed of accordingly.
- (v) Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)