

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

ANTICIPATORY BAIL APPLICATION NO.1593 OF 2017

Sharvari Ashok Pawar Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Harshawardhan Salgaonkar for the Applicant.
Mr. Chetan G. Patil for Respondent no.2
Mr. Ajay Patil APP for the State.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *13th December, 2017*

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP.

2 This is an application under Section 438 Code of Criminal
Procedure. The applicant herein is apprehending her arrest in Crime
No.206 of 2017, registered at Vishrambag Police Station, on 2nd
August, 2017, for the offences punishable under Sections 420, 467,
468 and 506 Indian Penal Code.

3 It is the case of the prosecution that the complainant Uday Balasaso Jugale had lodged a report at the Police Station on 2nd August, 2017 alleging therein that he was in search of second hand car. He was taken to the present applicant by one Abhijit Morkane, who came to know that the applicant was willing to sell her Swift Dezire Car at Sangli. He asked the applicant to show the relevant papers of the car. The applicant then informed the complainant that the said car is owned by her business partner, Shri. Prashant Jadhav and that he has gone to U.S.A. and told the complainant that as and when he returns from U.S.A., she would complete the transaction of sale of car. The complainant paid her Rs.5,000/- in cash as an advance and thereafter issued a cheque of Rs.2,00,000/- in favour of the applicant. Thereafter the complainant prepared an agreement and showed the same to her. That the applicant kept the said agreement with her and told that she would return the same after signing on it. She had then approached him and taken the car from his possession and threatened him of dire consequences stating that he would falsely implicate him a case of Atrocities Act and 354

Indian Penal Code etc. It is contended that the real owner of the car namely Prashant Jadhav was in fact lodged in a jail in a case under Section 376 Indian Penal Code.

4 In fact, Prashant Jadhav had lodged F.I.R. against the present applicant, which bearing No.128 of 2017. The applicant had filed an application seeking pre-arrest bail, which was granted by the order dated 21st June, 2017 on the condition that she would deposit an amount of Rs.2,65,000/- in this Court or in the Court at Sangli. Learned counsel for the applicant submits that the said order has been complied with.

5 It is pertinent to note that the applicant was granted anticipatory bail on 21st June, 2017 and soon thereafter i.e. on 2nd August 2017, the present F.I.R. is lodged in respect of cheating in the transaction of the same car i.e. Swift Dezire, which originally belonged to Prashant Jadhav. In the case, by an order dated 11th September 2017, the applicant was directed to deposit an amount of

Rs.2,65,000/- in this Court. Learned counsel submits that the said order has been complied with.

6 Learned counsel for the intervenor, the original complainant submits that in fact the applicant herein happens to be a habitual complainant. She files complaints against respectable people and then withdraw the same and use the said modus operandi to either blackmail the respectable people or to extort money from them. However, such contention cannot be taken into consideration at this stage. The applicant has deposited an amount of Rs.2,50,000/- in this court without prejudice to her rights and shall not withdraw the same till conclusion of the trial. In the facts of the case, no case for custodial interrogation is made out.

7 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest in Crime No. 206 of 2017, registered at Vishrambag Police Station, on 2nd August, 2017, for the offences punishable under Sections 420, 467, 468 and 506 Indian Penal Code, the applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- 3 The applicant shall co-operate the investigating agency and report to the concerned police station as and when called by Police.

The application is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)