

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

ANTICIPATORY BAIL APPLICATION NO.1697 OF 2018

Nita Nandkumar Dombe	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Gunjan Thakkar with Mr. Ujwal Gandhi I/b.Mr. Ganesh Iyer for the Applicant.

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

Mr. S.V. Gaikwad, Police Head Constable, Koregaon Police Station present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 5th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in C.R. No. 91 of 2018 registered with Koregaon Police Station, District-Satara, for the offences punishable under Section 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Gunjan Thakkar, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Rajendra Harishchandra Kadam. A perusal of the FIR prima facie reveals that the co-accused Rajukumar, who is the husband of the Applicant herein, had assured the first informant that he could provide a job for his son and under such assurance the first informant had paid certain money. The FIR indicates that on 3.11.2016 co-accused Rajkumar alongwith the present Applicant went to the house of the first informant. They had a discussion about providing job for his son-Niranjan. Co-accused Rajkumar agreed to provide job on payment of Rs.4,00,000/-. Out of which Rs.2,00,000/- were to be paid in advance. The first informant has stated that they paid to the Applicant and her husband sum of Rs.3,00,000/- and it was agreed that they would pay the balance amount on receipt of the call letter. On 14.9.2017 the Applicant and her husband took Niranjan, son of the first informant to M.C.E.M.E. Training Centre at Sikanderabad and introduced him to one person called Anna. Said Anna told the first informant that they would receive a call letter within a period of 15 days. Thereafter the husband of the Applicant took the balance amount of Rs.2,00,000/-. Since the son of the first informant did not receive call letter, he called the co-accused Rajkurmar. However, the

co-accused refused to answer his phone. He therefore, lodged a complaint against the Applicant and co-accused for committing an offence of cheating.

4. The learned counsel for the Applicant has stated that the main accused is already released on bail. I have perused the order passed by the learned Judicial Magistrate, First Class, Koregaon. First and foremost, the order of the learned J.M.F.C. is not binding on this Court. Even otherwise the co-accused was arrested and has been granted regular bail. Suffice it to say that the Applicant cannot claim pre-arrest bail on the ground that the co-accused has been granted regular bail.

5. I am also not inclined to accept the contention of the learned counsel for the Applicant that the Applicant had no role to play in the said crime. The FIR clearly indicates that the Applicant had not only accompanied the co-accused to the house of the first informant but she and her husband had taken the first informant and his son Niranjana to Sikanderabad by falsely stating that he would have to undergo training at the said Training Centre. The records prima facie reveal that the Applicant is involved in the said crime.

6. The learned APP submits that the Applicant is also involved in two other crimes being C.R. No.142 of 2018 registered with Waduj Police Station for the offences punishable under Section 420, 504, 506 r/w. 34 of the IPC and C.R. No.87 of 2018 registered with Dahiwadi Police Station for the offences punishable under Section 420 r/w. 34 of the IPC.

7. Considering the above facts and circumstances and also considering the criminal antecedents of the Applicant, in my considered view this is not a fit case to grant bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)