

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

**ANTICIPATORY BAIL APPLICATION NO. 226 OF 2018
WITH
APPP/1067 OF 2018 IN ABA/222/2018**

Mrs. Dolly Pundol

..Applicant

v/s.

The Sr. Inspector of Police,
Cantonment Police Stn., Pune

..Respondents

Mr. Sachin Khandagale for the Applicant.

Mr. N.B.Patil, APP for the State.

Mr. Vikram Sutaria for the Intervenor.

Mr. Ganesh Kulal, PSI, Mawal P.Stn., Pune present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 06, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 19 of 2016 registered with Cantonment Police Station, Pune, for offences under Section 420, 402 r/w. 34 of IPC.

2. Heard Mr. Khandagale, the learned Counsel for the applicant and Shri Patil, the learned APP for the State. I have perused the

records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the Order passed under Section 156(3) of Cr.P.C. on application filed by the Intervenor trust. The records reveal that the co-accused, who is the son in law of the applicant herein is a trustee of the Intervenor Trust. It is alleged that the trust had authorized the co-accused- Rohinton Irani to purchase property for the trust and accordingly the co-accused had negotiated and had purchased the property. The sale transaction was executed in the year 2004, and the sale consideration was paid by the trust.

4. The Intervenor Trust claims that in the year 2015 the trust came to know that though the money was paid by the trust and the property was to be purchased in the name of the trust, the co-accused Rohinton Irani had in fact purchased the property in the name of the present applicant. The trust therefore lodged a complaint against the co-accused and the applicant for cheating and committing breach of trust.

5. The alleged incident had occurred in the year 2004 and

considerable time has lapsed from the date of the alleged incident. Furthermore, the applicant was granted interim bail by this Court by order dated 6th February, 2018. In compliance with the conditions, the applicant has reported to the Investigation Officer and she has been interrogated. The learned APP also submitted that the investigation in the crime is almost concluded. The presence of the applicant is no longer required for custodial interrogation. The applicant is a lady and has no criminal antecedents. She is a permanent resident of Shivaji Nagar, Pune, and there are no chances of the applicant absconding or thwarting the course of justice.

6. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No. 19 of 2016 of Cantonment Police Station, Pune, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The applicant shall provide her permanent as well as temporary address, if any, and her contact details to the Investigating Officer.

(iii) The applicant shall not change her residential address without prior intimation to the Investigation Officer.

. In view of disposal of the anticipatory bail application, the application for intervention being APPP/1067/2018 does not survive and the same is also disposed of.

Prasanna
Pradeep
Salgaonkar

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Prasanna
Pradeep
Salgaonkar

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(ANUJA PRABHUDESSAI, J.)