

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

ANTICIPATORY BAIL APPLICATION NO. 249 OF 2018

Manisha Rohidas Kumbhar ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.Debajyoti Talukdar for the Applicant.

Mr. R.M.Pethe, APP for the Respondent-State.

Mr.Mahendra Kadam, API, Dighi Police Station, Pune.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : APRIL 19 , 2018**

P.C. :

1. This Application is moved for anticipatory bail under Section 438 of Criminal Procedure Code, 1973. The applicant-accused is apprehending arrest in C.R. No. 34 of 2017 registered at Dighi Police Station, Pune for the offences punishable under Sections 420 and 406 of the Indian Penal Code. This is a case of cheating. The offence is registered at the instance of one Jayshree Ramesh Patil.

2. The applicant-accused has taken an amount of Rs. 7,90,000/- from the complainant -Jayshree Ramesh Patil on the pretext that she will give a plot to her. However, the applicant-accused could not give plot to the complainant and, therefore, the complainant -Jayshree Patil has lodged a complaint against the applicant-accused. The first Anticipatory Bail Application filed by the applicant-accused was rejected by this Court on 10th March, 2017. This is second Anticipatory Bail Application.

3. At the outset, this Court is surprised as to why the police do not arrest the applicant-accused though the police are in contact with the applicant-accused. It is evident that the police in fact do not want to arrest the applicant-accused and take in custody for the best reasons known to them.

4. The statement of complainant-Jayshree Patil dated 18th April, 2018 is now produced before this Court .

5. The learned Counsel for the applicant-accused submits that the entire amount of Rs. 7,90,000/- is paid by the applicant-

accused to the complainant- Jayshree Patil and now, she has no grievance against the applicant-accused. In view of this, he prays that the applicant-accused be granted pre-arrest bail.

6. The learned APP for the respondent-State confirms the recording of the statement. He produces the case diary consisting of original statement of the complainant – Jayshree Patil wherein she has stated that she has received the total amount of Rs.7,90,000/- and she has no grievance against the applicant-accused.

7. Considering the submissions of the learned counsel, I am inclined to grant pre-arrest bail to the applicant-accused on the following terms and conditions :

ORDER

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs. 5,000/- (Rupees Five Thousand only) with one or two solvent sureties in the like amount;

- ii) The applicant-accused shall not commit any offence especially cheating of any kind during the pendency of the case.

(MRIDULA BHATKAR, J.)