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

ANTICIPATORY BAIL APPLICATION NO. 356 OF 2018

Sheetal Mahindra Mehta @ Sheetal Kirtikumar Shah **..Applicant**

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. Rajesh Dharap for applicant.

Mr.B.K. Baarve a/w Santosh Wagh I/b B.K. Barve & Co for respondent No.2.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 16th July 2018.

P.C.:

1] The applicant was granted interim relief by an Order dated 24th February 2018 on the ground that, the first informant was intending to intervene in the present application. Accordingly, Criminal Application No.243 of 2018 preferred by the first informant was allowed by Order dated 22.6.2018 and the first informant came to be impleaded as the respondent No.2.

2] Heard the learned Counsel for the applicant, the learned Counsel for the first informant and the learned APP. Perused the record of

investigation.

3] The present crime bearing No.324 of 2017 dated 12.9.2017 is lodged by the husband of the applicant at about 12.35 p.m. Various allegations are made against the applicant who is admittedly the second wife of the informant. The first information report proceeds on the footing that, the applicant concealed the fact with informant that, she was earlier married and divorced. That the applicant has also procured duplicate/bogus driving licence and voters identity card by putting different birth dates and used it. It is further stated that, the applicant has also committed theft of certain valuable articles from the house of the informant.

4] It is to be noted here that, on 12th September 2017 itself a crime under Section 498A of the Indian Penal Code bearing No. 325 of 2017 has been registered on the basis of a complaint submitted by the applicant on 5.9.2018 at about 12.00 noon. This fact can clearly be discerned from the contents of the proforma first information report of CR No.325 of 2017. The first information report lodged by the applicant mentions that, the information is received on 5th September 2018. It appears that, after the lodgment of the said crime bearing No.325 of 2017 at the instance of the

applicant against the informant/respondent No.2, he has lodged the present crime as an afterthought and/or counter blast to the crime registered by the applicant (i.e. CR No.325 of 2017). It is further to be noted here that, in the first information report the respondent No.2 has conspicuously not mentioned the time and date of alleged commission of theft by the applicant and has made general statements in that behalf. The respondent No.2 has also stated that, he was apprehensive of the fact that the applicant herein might lodge a false and/or bogus crime against him and his son Master Saket for taking over the property of the respondent No.2.

5] The record of investigation indicates that, the investigation of both crimes are on the verge of completion. As noted hereinabove, prima facie it appears that the crime lodged by the informant i.e. CR No.324 of 2017 is a counter blast to the crime lodged by the applicant against him.

6] In view of the above and after perusing the record of investigation, this Court is of the view that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

In view thereof, interim relief granted by Order dated 24th February 2018 is hereby confirmed.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)