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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.883 OF 2018

Neharika @Noori Arojiyka ...Applicant
Versus
State of Maharashtra ...Respondent

Mr.V.Subramanian i/b Mr.S.B.Bhamre, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MAY, 2018

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.I-523 of 2016 registered with the Bhandup Police Station, Mumbai, for the alleged offences punishable under Section 420 r/w 34 of the Indian Penal Code, under Section 66(D) of the Information Technology Act, under Section 12 of the Passport Act and under Section 14 of the Foreigners Act.

3. Perused the papers. According to the Complainant – Sandeep Ramkumar Singh, he came in contact with a lady, Mercy John, a resident of U. K. on facebook and as such, they became facebook friends and would chat with each other on facebook as well as on Whatsapp. It is alleged by the Complainant that Mercy John told him that she is the Manager of Astrozen Pharmaceutical Company, a pharmaceutical Company in U. K., manufacturing medicines for cancer. Mercy John is alleged to have stated that the said Company was in need of herbal seeds which was a raw material used in the manufacturing of the said drugs and that the said material was cheaper in India. It is further alleged that Mercy John asked the Complainant to become a 50% partner in the said business, to which the Complainant agreed. Pursuant thereto, at the behest of Mercy John, one Mr. William visited India and paid a sum of Rs. 2,50,000/- towards seeds from Anjani Couriers in the account of Kotak Enterprises (HDFC Bank). The said amount was paid on 05.10.2016 in the account of Kalpesh Raja (ICICI Bank) and several such amounts were paid from time to time. According to the Complainant, he learnt that he was cheated when a case was registered against the accused persons. The allegation as against the present applicant is that she misrepresented herself to be Priyanka, a representative of

Kalpesh and is alleged to have accepted a payment of Rs.6,50,000/- from the complainant, at a tea stall outside Airoli Station. It is informed that the applicant's husband is also involved in commission of the alleged offences and he too is in custody. As far as the applicant is concerned, it is alleged by the prosecution that she accepted Rs.6,50,000/- by impersonating herself as Priyanka (representative of Kalpesh).

4. Be that as it may, the applicant is in custody since 15th April, 2017. Investigation is complete and charge-sheet is filed.

5. Considering the fact that the applicant is a lady and the proviso to Section 437 of the Code of Criminal Procedure, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

<u>ORDER</u>

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

ii) The Applicant shall attend the concerned Police Station, on the first

Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)