

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 1249 OF 2018**

Mrs. Mrudula Kiran Surve

.... Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Smt. Sonal Parab, Advocate I/by Rajeev Sawant & Associates for
the Applicant.

Smt. Rutuja Ambekar, APP, for the Respondent-State.

Mr. S. R.Phanse, Advocate for Respondent No.2.

Mr. Ghosalkar, Police Inspector, Boriwali, present.

CORAM : A. S. GADKARI, J.**DATE : 3rd August, 2018.****P.C.:-**

1) This is an application under Section 439 of Cr.P.C. for bail in CR No. 636 of 2017 dated 25/10/2017 registered with Borivali Police Station, Mumbai under Sections 465, 468, 471, 420, 506 read with Section 34 of the Indian Penal Code.

2) Heard the learned counsel for the applicant, the learned counsel appearing for the first informant and the learned APP for the State. Perused the record of investigation.

3) Prosecution case in brief, is that, the co-accused Kiran Shankar Hidulkar, by making false representation to the informant that he will give her a job in the Reserve Bank of India, accepted approximately Rs.41,80,475/-and thereafter neither gave job nor returned the said amount. During the course of investigation, the applicant came to be arrested on 25th October, 2017. After completion of investigation, the police have submitted the charge-sheet.

4) The learned counsel for the applicant submitted that without entering into the merits of the matter, the applicant, with a view to prove her bona fide and without prejudice to her rights and contentions, is ready and willing to deposit the alleged defalcated amount of Rs.41,80,475/-in the Registry of this Court within stipulated period. She further submitted that, as a matter of fact, an amount of Rs.3,25,000/- has already been transferred by the applicant by way of R.T.G.S. and the balance amount would be Rs.38,55,475/-. She, on instructions, further submitted that, the father of the applicant namely Mr. Kiran Ganpat Surve has shown his willingness to deposit the said balance Rs.38,55,475/- in the Registry of this Court within stipulated period. She tendered across the Bar, an Affidavit-cum-Undertaking of said Mr. Kiran Surve dated 1st August, 2018. The said

affidavit is duly affirmed before a Notary Public and the signature of the affiant has been duly verified by Kiran Varma. The said affidavit is taken on record and marked "X" for identification. Undertakings mentioned in the said affidavit are accepted as Undertaking given to this Court. In the said Affidavit cum Undertaking, the said Mr. Kiran Surve has stated that, he will deposit a sum of Rs.15 lakhs on behalf of the applicant within a period of two weeks from the date of passing of the present order and the balance amount will be deposited in two equal instalments of Rs.11,77,737/-and last instalment will be paid on or before 2nd February, 2019. The said statements are accepted.

5) It is made clear that, the period to deposit of the said balance amount shall not be extended hereinafter on any count. It is further made clear that if the said Mr. Kiran Surve commits default in making the said payment on or before stipulated dates, bail granted to the applicant shall stand cancelled, without further reference to this Court.

6) In view of the above, the applicant can be released on bail.
Hence, the following order.

a) The applicant be released on bail in CR No. 636 of
2017 dated 25/10/2017 registered with Borivali

Police Station, Mumbai, on her furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

- b) After her release from jail, the Applicant shall attend Borivali Police Station every first Monday of the month between 11.00 a.m. and 1.00 p.m.
 - c) The applicant shall attend all the dates before the Trial Court. Unless precluded for medical reasons.
 - d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- 7) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)