

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

CRI.ANTICIPATORY BAIL APPLICATION NO.1574 OF 2018

Mrs.Bhavana Gajanan Palav

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.Viresh Purwant, Advocate for the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 24, 2018.

P.C. :

This is an application for anticipatory bail in connection with CR No.I-112 of 2018, registered with Thane Nagar Police Station, Thane for the offence punishable under Section 419, 420, 417 of IPC. The prosecution case is that the complainant was induced to part with the gold ornaments worth Rs.14,95,000/-, by the husband of the applicant, who was also accompanied by the present applicant.

2 It is alleged that the husband has misrepresented the complainant as well as other persons and there are other similar cases registered against applicant's husband. He is arrested on

18th July, 2018, and, since then he is in custody. During the course of investigation, while the husband was in custody, the investigating machinery has recovered gold worth Rs.11,97,800/-.

3 The application preferred by the applicant was rejected by the Sessions Court. While rejecting the application, it was observed that the silence of the applicant while accompanying her husband at the time of misrepresentation shows her participation in the crime.

4 It is submitted that the applicant's husband is still in custody and the substantial property has been recovered.

5 Learned APP submitted that the husband of the applicant as well as applicant were both present at the time of the inducement and commission of offence of cheating. The gold weighing 360 grams is yet to be recovered. It is further submitted that the applicant has not furnished permanent place of residence. Learned counsel for the applicant had also submitted that she was residing with her husband in the rented premises and after registration of FIR, she is residing with her parents.

6 It is pertinent to note that the applicant's husband is in custody from the date of arrest. Substantial property has been recovered. Except the fact that the applicant had accompanied her husband and was present allegedly during the course of alleged misrepresentation, prosecution has not shown participation of the applicant in any other manner. The applicant's husband is already in custody, and, hence, custodial interrogation of the applicant is not necessary.

7 In the circumstances, I pass the following order:

:: ORDER ::

- (i) Criminal Anticipatory Bail Application No.1574 of 2018, is allowed;
- (ii) In the event of arrest of the applicant in connection with CR No.I-112 of 2018, registered with Thane Nagar Police Station, District - Thane, the applicant be released on bail on furnishing PR Bond of Rs.15,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall report Thane Nagar Police Station, Thane, once in a week on every Friday between 10:00 a.m. to 12:00 noon, till filling of the charge sheet;
- (iv) The applicant shall furnish her place of residence to the investigation officer;
- (v) The applicant shall not tamper with the evidence;
- (vi) Criminal Anticipatory Bail Application No.1574 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)