

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

BAIL APPLICATION NO.2344 OF 2018

Mrs.Vedika Vivek Kadam	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

.....

Mr.Chandrakant Ambani, Advocate for the Applicant.
Ms.A.A. Takalkar, APP for the Respondent – State.
Mr.Vijay Panchal, PI West Control, Jogeshwari, Mumbai, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 25, 2018.

P.C. :

This is an application for bail in connection with C.R.No.147 of 2017, registered with Jogeshwari Police Station, Mumbai, for the offences punishable under Sections 420, 465, 468, 471 and 120-B read with 34 of Indian Penal Code (“IPC”, for short).

2 Applicant is arrested on 20th February, 2018.
Investigation is completed and the charge – sheet has been filed.

3 First Information Report (“FIR”, for short) was lodged

on 10th February, 2017. The prosecution case is that the applicant and her husband had assured the complainant and her husband that room would be provided to them under M.M.R.D.A. Scheme for a consideration of Rs.17,00,000/-. He further assured that they would provide two rooms and the consideration was settled at Rs.30,00,000/-. An amount of Rs.10,00,000/-, was paid by cheque and Rs.20,00,000/-, lakhs was paid by cash to husband of the applicant. The currency notes were counted by the applicant while it was being handed over to the accused. Applicant had shown the rooms, which were to be provided to the complainant and her husband. It is further alleged that allotment letter was shown to the complainant, which was purportedly issued by MHADA. Applicant and co-accused failed to provide premises to the complainant. When they repeatedly demanded the money, the applicant assured that they would return the back and the co-accused issued postdated cheque. It was learnt that the accused had shifted their residence, and, hence, FIR was lodged.

4 Learned counsel for the applicant submitted that the applicant has not played any role in commission of offence. Only role attributed to her is that she has counted the money and shown the premises. She had performed alleged act as an

obedient wife. Applicant was not involved in forgery of the documents. Investigation is completed and charge-sheet is filed.

5 Learned APP submitted that the complainant and her husband were induced to part with the amount. Inspite of promises of handing over the premises under the M.M.R.D.A. Scheme, after accepting the amount, the accused did not fulfill the promise. Cash amount was handed over in the presence of the applicant, and, she had counted the currency notes, and, also showed the room premises to the complainant. Learned APP, however, fairly submitted that the applicant is not involved in forgery of the documents.

6 I have perused the documents. FIR was lodged on 10th October, 2017, and, subsequently, the applicant was arrested. The role attributed to the applicant is that cash amount was handed over in his presence and she had counted currency notes. She had allegedly shown the premises to the complainant and her husband. However, the role regarding fabrication of documents is not attributed to the applicant. The cheque was given by the co-accused. Applicant is the wife of the co-accused. Investigation is completed and charge-sheet is filed. Considering the role

attributed to the applicant, and, also considering that the applicant is a lady, bail is granted to the applicant.

7 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.2344 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.147 of 2017, registered with Jogeshwari Police Station, Mumbai, on her furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend the trial Court on the date of hearing of the case regularly, unless exempted by the Court, for some reasons;
- (iv) Bail Application No.2344 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)