IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.298 OF 2019

Salma Shamim Khan .. Applicant
Vs.
State of Maharashtra .. Respondent

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Mr.Vinod Gangwal, Advocate for the Applicant.

Ms.A.A. Takalkar, APP for the Respondent – State.

PSI S.R. Sahare, Shreenagar Police Station, Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.81 of 2017, registered with Shreenagar Police Station, Thane, for the offences punishable under Sections 420 and 406 read with 34 of Indian Penal Code ("IPC", for short).

2 First Information Report ("FIR", for short) was lodged on 1st July, 2017. The husband of the applicant was arrested and he was granted bail. The case of the prosecution is that the complaint was lodged by the representative of M/s.Network

People Services Technologies Private Limited, having their office at Wagale Industrial Estate, MIDC, Thane. The complainant company is in to providing services for transferring money to various people by opening "Paisa Kendra". For the said purpose, the company has appointed distributors in various area and distributors in turn appointed agents. As per the procedure, agent code was given to the operators of Paisa Kendra. The company has account with ICICI Bank to transfer money, through which they used to transfer money to the customers. The agents were also given maximum limits of amount which they are authorised to transfer. On 28th February,2017, the complainant appointed the husband of the applicant, as distributor. He in turn appointed the applicant and others as agents. Through the applicant, an amount of Rs.55,000/- was transferred which was misappropriated. It is further alleged that an amount of Rs.25,000/- was transferred to the account of her husband. Learned APP submitted that the applicant's custody is required to find out the involvement of the other persons. It is pertinent to note that the applicant's husband who is the main distributor, has been arrested and he was in custody and subsequently granted bail.

3 No amount is credited to applicant's personal account. Considering the role played by the applicant, custodial interrogation of the applicant is not necessary.

4 Hence, I pass the following order:

:: <u>O R D E R</u> ::

(i) Anticipatory Bail Application No.298 of 2019, is allowed;

(ii) In the event of arrest of the applicant in connection with C.R.No.81 of 2017, registered with Shreenagar Police Station, Thane, the Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

(ii) Applicant shall attend Shreenagar Police Station, Thane, on 14th, 15th and 18th February, 2019, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for by the investigating officer, till the filing of the charge–sheet;

(iii) Applicant shall cooperate with the investigation;

(iv) Anticipatory Bail Application stands disposed of.

(**PRAKASH D. NAIK, J.)**