

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

ANTICIPATORY BAIL APPLICATION NO.354 OF 2019

Smt.Reanu Naren Sharma	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Aniket Ingale, Advocate for the Applicant.
Mrs.Geeta P. Mulekar, APP for the Respondent - State.

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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.200 of 2017, registered with Tardeo Police Station, Mumbai, for the offences punishable under Sections 419 and 420 of Indian Penal Code. First Information Report was lodged on 18th September, 2017.

2 The case of the prosecution is that the husband of the applicant had placed order for purchasing mobile phone valued Rs.43,000/-, with the complainant's company. The person from courier service went to deliver the said cell phone and without making the payment, the accused fled away from the said place.

Subsequently, the said accused (applicant's husband) was arrested on 21st January, 2019, and since then he is in custody. The case of the prosecution is that the SIM Card used in the said cell phone which was a stolen property belongs to the applicant, and, therefore, there is every reason to believe that the applicant is in possession of the said cell phone. Learned APP submitted that although the other accused is in custody, the property is not recovered and the cell phone has to be recovered from the applicant, for which custodial interrogation is necessary. It is noted that the cell phone is delivered to the co-accused, who is husband of the accused. He has been arrested and since the date of his arrest, he is in custody. On the basis of the inferences that the SIM Card belongs to the applicant, the custody of the applicant is sought. Considering the role attributed to the applicant, there is no reason for custodial interrogation and she can be directed to cooperate with the investigation.

3 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.354 of 2019, is allowed;

- (ii) In the event of arrest of the applicant in connection with C.R.No.200 of 2017, registered with Tardeo Police Station, Mumbai, the Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend Tardeo Police Station, Mumbai, on 14th and 15th 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;
- (iv) Anticipatory bail application stands disposed of.

(PRAKASH D. NAIK, J.)