

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.809 OF 2019**

Sharmila Shamrao Shete] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Abhishek Avachat, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.
PI Mrudula Naik attached to ACB Nashik present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 19th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.15/2019 registered with Sarkarwada Police Station, Nashik City u/sec.13 (1) (e) r/w 13 (2) of The Prevention of Corruption Act, 1988 and u/sec.109 of I.P.C.

2. The allegations in the FIR lodged by PI ACB Hemantkumar Bhamare on 11/01/2019 are that, the applicant's husband was working with R.T.O. and he had amassed huge property. The

applicant's husband could not offer any explanation. The FIR contains chart of properties held in the name of husband of the applicant.

3. Ld. Counsel for the applicant submitted that, the applicant had won lotteries and had independent income from her business of Beauty Parlour. He has relied on the order passed in Criminal Application No.425/2006 wherein, this Court had observed that, in such cases the public servant would be in a better position to explain about such investment and his wife is only used by him to procure these properties, for laundering such illegal money. He therefore submitted that, custodial interrogation of the applicant is not necessary.

4. By the earlier order dated 19/08/2019, this Court had directed the applicant to attend the Office of ACB, Nashik from 27/08/2019 to 31/08/2019. Today Ld. APP on instructions of Investigating Officer makes a statement that, the applicant had attended the Office of ACB and has fully co-operated with the investigation. She makes a

categorical statement that, in view of her co-operation with the investigation, the investigating agency does not want to arrest her and does not want her for custodial interrogation. In this view of the matter, considering the background of the case in which the main allegations are against the applicant's husband, the applicant herself had not procured the properties purchased by her husband. She was used by her husband. The properties were purchased in her name. In this view of the matter, in view of the statement made by Ld. APP, there will be no purpose served in not granting protection to the applicant. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C.R.No.15/2019 registered with Sarkarwada Police Station, Nashik City, the Applicant is directed to be released on bail on her furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)