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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.825 OF 2018

Ms.Sheetal Manohar Nikam ..Applicant.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Moin Khan i/b. Ms.Anjali Awasthi for the applicant.

Smt.J.S.Lohokare, APP for the respondent-State.

Mr.S.B.Khaddke, API, Ambad police station, Nashik city.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 10, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.I-55/2018 for offence punishable under sections 406, 417, 418, 420, 504 and 506 of the Indian Penal Code registered with Ambad poice station, Nashik, the applicant is seeking pre-accused bail.

3. The case of the prosection against the applicant is, on promise to provide loan of Rs.35 crores, the applicant has accepted

an amount of Rs.25 lakhs.

4. Learned counsel for the applicant submits that there is serious dispute about the receipt of Rs.25 lakhs and maintains that only Rs.20,00,058/- was received by the applicant. Learned counsel submits that the applicant is ready and willing to deposit an amount and as such this Court has ordered issuance of notice to the complainant. According to him, the complainant is not willing to come forward to settle the matter and as such, in the aforesaid background, the custodial interrogation of the applicant is not warranted.

5. Learned APP opposed the claim of the applicant.

6. This Court granted ad-interim protection in favour of the applicant on April 24, 2018 after considering the following recitals in paragraph 5(d) of the application. The said recitals read thus:-

“ The Applicant submits that despite all the differences, she admits that the complainant had transferred Rs.22 Lakhs in her account which was used by the Applicant. She is willing to pay the said amount. But she needs six months time for making the said payment. She undertakes before this Hon'ble Court that within that period she will repay

the entire amount of Rs.22 Lakhs to the Complainant. ”

7. The recitals in categorical terms demonstrate admission on the part of the applicant of receipt of Rs.22 lakhs. She has also assured this Court that the said amount of Rs.22 lakhs will be deposited in this Court within six months i.e. with effect from the order dated April 24, 2018.

8. The fact remains that the applicant has not deposited a single pie in spite of the undertaking given to the Court, based on which she is enjoying protection for last more than eight months.

9. Even today also, the applicant is non committal about the deposit. The matter was adjourned from time to time at the behest of the applicant and the applicant is trying to play hide and seek in this proceedings.

10. In that view of the matter, the application fails and is rejected. The interim protection granted to the applicant stands vacated.

11. The investigating officer is free to arrest the applicant.

(NITIN W. SAMBRE, J.)