Anand

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

**BAIL APPLICATION NO. 2014 OF 2019**

Ujwala Sitaram Naik .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Darshan J. Juikar, Advocate, for the Applicant
Mr. S. V. Gavand, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 23.09.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C. R. No. I-459 of 2018 registered with the Mahatma Phule Police Station, Thane City, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

3. According to the prosecution, the Complainant alongwith Ms Renuka Walikar were working in Shelar Hospital in 2014 and as such, became good friends. According to the Complainant, in January, 2017, Ms Renuka informed him that the Applicant was doing work of recruitment of Government jobs and told him that if he was interested in securing a Government job, he should meet her. Accordingly, in March,

2017, the Complainant alongwith his friend – Ms Renuka met the Applicant at her residence. According to the Complainant, Ms Renuka had already paid Rs. 2,00,000/-to the Applicant for securing a Government job. As the Complainant was also interested in the said Government job, he enquired about the same with the Applicant. In February, 2018, the Applicant called the Complainant to her residence and informed him that there is recruitment going on for the post of Clerk in the State Bank of India. The Complainant agreed to pay the amount to the Applicant, for the said job. The Applicant is alleged to have asked for Rs. 9,00,000/- for securing the said job. According to the Complainant, the Applicant asked him to bring the two cheques of Rs. 1,50,000/- and two cheques of Rs. 1,00,000/- i. e. total Rs. 5,00,000/-. The Applicant handed over the said cheques to one Mr. Rohidas Rathod alongwith other documents of the Complainant. It is alleged that one Ms Ujwala Naik called Ms Renuka and asked her to bring Rs. 2,00,0000 for securing a Government job, pursuant to which the said amount was handed over by Ms Renuka to Ms Ujwala Naik. Again Ms Ujwala Naik asked Ms Renuka to deposit Rs. 1,00,000/- in the account of Mr. Rohidas. Thereafter, as neither the money was returned nor job was given, the aforesaid complaint was lodged. As far as the Applicant is concerned, she is alleged to have received an amount of Rs. 4,00,000/-, out of which the Applicant has returned Rs. 1,00,000/- to the Complainant. Learned counsel for the Applicant has filed an Affidavit of the Applicant through jail stating that the Applicant without prejudice to her rights & contentions is ready to deposit Rs. 3,00,000/- in this Court i. e. Rs. 1,50,000/- before her release / at the time of her release and the balance amount of Rs. 1,50,000/- after her account is de-freezed. The said Affidavit is accepted as an undertaking given to this Court.

4. Learned APP on instructions states that the Applicant's account will be de-freezed in view of the statement made by the learned counsel for the Applicant that she is ready to deposit the said amount i. e. Rs. 1,50,000/- in the Registry of this Court soon after her release. Statement accepted.

5. Without going into the merits of this Application, in view of the statement made by the learned counsel for the Applicant as well as the Affidavit filed by the Applicant through jail, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

**O R D E R**

(i) The Applicant be released **on cash bail** in the sum of Rs. 20,000/-, **for a period of six weeks**;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

(iii) The Applicant shall not leave the jurisdiction of Mumbai / Thane till the entire amount i. e. Rs. 3,00,000/- is deposited by the Applicant pursuant to the undertaking given by her;

(iv) The Applicant shall deposit Rs. 1,50,000/- in the Registry of this Court before her release and an amount of Rs. 1,50,000/- within two weeks of her release;

(v) If an Application seeking de-freezing of the account is filed before the appropriate Court, the learned Judge shall decide the same on the very same day, in view of the statement made by the learned APP on instructions;

(vi) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vii) The Applicant shall not commit a similar offence in the immediate near future;

(viii) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(ix) In the event, the Applicant fails to deposit the amount, the prosecution will be at liberty to seek cancellation of the Applicant’s bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie,* and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The matter to be listed on **09.10.2019** on the **Supplementary Board** *"For recording compliance of the first deposit of Rs. 1,50,000/-"*.

All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**