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

ANTICIPATORY BAIL APPLICATION NO.1846 OF 2019

Manali Shashikant Gawli

...Applicant

Versus

State of Maharashtra and Anr.

...Respondents

Mr.Jayram Karnani, i/b Mr.C.R.Yadav, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – Gaikwad, Govandi Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.101 of 2019, registered with the Govandi Police Station, Mumbai, for the alleged offences punishable under Sections 385, 387 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant had not gone to the Beauty Parlour and Massage Centre and had not demanded any amount as alleged by the complainant. Learned Counsel for the

applicant has tendered an affidavit of the applicant. The same is taken on record. The applicant has undertaken that she will not repeat or commit similar type of offences in future and that she will not visit or approach any Corporate Company or any other Business Offices or Establishments including Commercial Shops and force them to dole out money for her N.G.O or herself, against their wish nor would threaten them, if they refused to pay. Learned Counsel for the applicant has produced a copy of the bank pass-book of Swabhimani Mahila Vikas Mandal to show that the cheque was deposited in the said account.

4. Learned APP states that there is a CCTV footage, which shows that the applicant had gone and demanded an amount of Rs.20,000/- from the complainant's husband, for cancer patients, pursuant to which a cheque was given in the name of the applicant's N.G.O. i.e. Swabhimani Mahila Vikas Mandal. Learned APP further submits that thereafter, the applicant had again gone to the complainant's Beauty Parlour and Massage Centre and again demanded an amount of Rs.50,000/- and had also threatened that she would not allow the said Beauty Parlour and Massage Centre to continue, if the said amount was not paid. Learned APP states that no receipt was given even for Rs.20,000/- given by the complainant to the applicant, by cheque.

5. Learned Counsel for the applicant has produced a copy of the bank pass-book, to show that the cheque drawn in the name of the Swabhimani Mahila Vikas Mandal has been deposited by the applicant in the said account, as well as the receipt given to the complainant.

6. The applicant has reported to the concerned Investigating Officer, as directed by this Court vide order dated 26th August, 2019 and as such, in the facts, custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim order dated 26th August, 2019, is confirmed, on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called;
- (iii) The applicant shall not commit similar offence;

(iv) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall co-operate with the Investigating Agency.

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

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

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

REVATI MOHITE DERE, J.