

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2123 OF 2018

The State of Maharashtra ...Respondent

Mr.R. L. Gurnani i/b. Mr.Pradeep S. Hingorani for the applicant.
Mr.A.R. Kapadnis, APP for the respondent – State.

DATE : 23rd JANUARY 2019

1. This is an application for anticipatory bail in CR No.37 of 2018 registered with Juhu Police Station, Mumbai for offences punishable under Sections 406 and 409 read with 34 of Indian Penal Code. FIR was lodged on 23rd January 2018.

2. It is the case of the complainant, that the applicant and his husband had approached the complainant and represented that they are in the business of preparing jewelery. The husband of the applicant, thereafter, approached the complainant from time to time and gold was allegedly handed over to him. It is alleged that the said gold was misappropriated by the accused and loss of Rs.61 lakhs was caused to the complainant. On perusal of FIR, it is found that the transaction was primarily with the co-accused who is husband of the applicant.

3. Learned APP submitted that the gold articles yet to be recovered. Custodial interrogation of the applicant is necessary as the applicant was present along with her husband. However, as stated above, although applicant had accompanied her husband initially transaction was apparently executed with the co-accused i.e. husband of the applicant. He was arrested and granted bail. He was in custody for a period of about one month.

4. Considering the aforesaid circumstances, no case for custodial interrogation of the applicant is made out, and hence interim order dated 15th August 2018 passed by this Court is required to be confirmed. Hence, the order;

ORDER

- i. Anticipatory Bail Application is allowed.
- ii. In the event of the arrest of applicant in CR No.37 of 2018 registered with Juhu Police Station, Mumbai, the applicant be released on bail on his furnishing PR Bond in the sum of Rs.20,000/- with one or more surety in the like amount.
- iii. Applicant is directed to attend the Investigating Officer on 29, 30, and 31 January 2019 between 11.00 am to 1.00 pm, and thereafter as and when called upon by the Investigating Officer, till the date of filing of the

chargesheet.

iv. Anticipatory Bail Application stands disposed of.

[PRAKASH D. NAIK, J.]