

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

ANTICIPATORY BAIL APPLICATION NO.2632 OF 2019

1) Smt.Manda Anant Dalvi;
2) Smt. Karuna Santosh Dalvi; and
3) Smt.Bhavna Tarak Dalvi .. Applicants

Vs.

State of Maharashtra .. Respondent

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Mr.Hitesh P. Shah, Advocate for the Applicants.

Mr.S.H. Yadav, APP for the Respondent – State.

API Mahendra Shelar, Dighi Costal Police Station, Raigad,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 04, 2019.

P.C. :

The Applicants are seeking anticipatory bail in connection with C.R.No.22 of 2019, registered with Dighi Costal Police Station, Raigad, for the offence punishable under Section 420 read with 34 of Indian Penal Code (“IPC” for short). First Information Report (“FIR”, for short) was lodged on 23rd August, 2019.

2 The case of the Complainant is that the accused had induced the complainant to part with an amount of Rs.17,77,000/-, under the pretext of tracing the gold from their land with divine power and also handed over fake gold to the complainant to win his trust. Realizing that the complainant is deceived by the accused, FIR was lodged.

3 Applicants had preferred application for anticipatory bail before the Sessions Court, which has been rejected.

4 FIR dated 23rd August, 2019, would indicate that the co-accused had represented the complainant in 2012 that his village is gold mine and gold idol is recovered from his village. It was also represented that there is likelihood of gold in the land of the complainant. It was also stated to the complainant that accused Anant Dalvi possesses divine power and with his help, they would trace the gold from his land. He was told to perform certain rituals. It is alleged that from time to time the complainant parted amount to the accused. The role attributed to the Applicant is that on 4th January, 2014, they had visited place of incident along with the other accused. Applicant no.1 is wife of main accused Anant Dalvi. Accused nos.2 and 3 are his daughter-in-laws.

5 From the contents of the FIR, it is apparent that the Applicants had not made false representation to the complainant in the year 2012-13. The role ascribed to them is that on 4th January, 2014, they had visited the place of incident. Applicants are ladies. Three persons are arrested and they have been released on bail. The principal accused Anant Dalvi is absconding.

6 Considering the aforesaid circumstances, their custodial interrogation is not warranted. Hence, case for anticipatory bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2632 of 2019, is allowed;
- (ii) In the event of arrest of the Applicants in connection with C.R.No.22 of 2019, registered with Dighi Costal Police Station, Raigad, they

be released on bail on their executing P.R. Bond in the sum of Rs.20,000/-, each with one or more sureties in the like amount;

- (iii) Applicants shall report to investigating officer on 16th to 18th December, 2019, between 10:00 a.m. to 12:00 noon, and, thereafter, as and when called for till filing of charge-sheet;
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)