

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

ANTICIPATORY BAIL APPLICATION NO.534 OF 2020

Anita Mahesh Nikate

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Aniket Nikam i/b. Mr.Vivek N. Arote, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

API Sameer R. Karpe, Yerwada Police Station, Pune, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 04, 2020.

P.C. :

The applicant is apprehending arrest in connection with C.R.No.85 of 2020, registered with Yerwada Police Station, Pune, for the offences punishable under Sections 464, 467, 468, 471 and 420 read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 24th January, 2020.

2 The case of the prosecution is that on 17th December, 2019, the informant working as Motor Vehicle Inspector at RTO Pune was on duty at Shastrinagar Chowk, Ahmedabad-Pune road.

The travel bus was stopped for inspection of the bus. There were 27 passengers. It was noticed that the tax was pending and the fitness certificate had expired. The driver of the vehicle was asked to produce the documents. He showed temporary permit of the bus to travel from Pune to Nashik-Shirdi. The permit was sent to RTO for inspection. On 19th December, 2019, the applicant being the owner of the vehicle, voluntarily visited the office and paid the pending tax of Rs.2,93,020/-. It was noticed that the temporary permit of the vehicle was not issued by RTO. The document is bogus.

3 FIR was lodged and the investigation is in progress. The applicant had preferred an application for anticipatory bail before the Sessions Court, which has been rejected on 18th December, 2020. However, during the pendency of the application, interim protection was granted to the applicant with direction to co-operate with the investigating agency, as and when required. It is undisputed that the applicant had complied the directions and had attended the investigating officer, as directed by learned Sessions Judge, vide order dated 29th January, 2020. The contention of the applicant is that she is not involved in forgery of documents. She is a lady. She has co-operated with the investigation and she is willing to co-operate with further

investigation. The vehicle was given to friend of her husband, which was to be taken to Shirdi. The driver of the vehicle is also impleaded as an accused. The custody of the applicant is not necessary.

4 Learned APP submitted that the document is fabricated. Applicant is the owner of the vehicle. She is required to explain the source of the permit.

5 From the record, it appears that the dues towards the tax was paid by the applicant on the next day of the incident. The applicant was granted interim protection by Sessions Court in pursuant to that she had reported the investigating agency. Applicant is the owner of the vehicle. She is lady. She need not be subjected to custodial interrogation. She has already attended the investigating agency. In the circumstances, protection can be granted to the applicant under Section 438 of Cr.P.C.

5 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.534 of 2020, is allowed;

- (ii) In the event of arrest of the Applicant in connection with C.R.No.85 of 2020, registered with Yerwada Police Station, Pune, she be released on bail on her executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall appear before the investigating officer as and when called for, till filing of charge-sheet;
- (v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)