

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2516 OF 2021

**NAYANA W/O KIRAN KHADKE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Talhar Ajay G.
APP for Respondent – State : Mr. A. V. Deshmukh
...

CORAM : PRAKASH D. NAIK, J.

DATE : 29th OCTOBER, 2021

PER COURT :

1. This is an application for relaxation of the condition Nos. (e) and (f) stipulated in order dated 27-09-2021, passed by the learned Additional Sessions Judge, Bhusawal, in Criminal Bail Application No.587 of 2021. The applicant was granted anticipatory bail in Crime No.16 of 2017, registered with Varangaon Police Station, Tal. Bhusawal, District Jalgaon, for offences punishable under Sections 406 and 420 r/w 34 of the Indian Penal Code, which was investigated by CID, Jalgaon.

2. While granting anticipatory bail, it was directed that applicant shall attend office of the investigating officer as and when she will be called by the investigating officer for the purpose of investigation of the matter and shall cooperate with the investigation. She was also directed to attend office of the

investigating officer on every Friday between 10:00 a.m. to 06:00 p.m. without fail and to cooperate with the investigation till filing of the charge-sheet.

3. Learned advocate for applicant submitted that the applicant has so far complied with the directions imposed vide order dated 27-09-2021. This fact is not disputed by the prosecution.

4. The relaxation of the aforesaid condition is sought on the ground that the applicant intends to visit her daughter at U.S.A., as her daughter would be shortly delivering child. The applicant proposes to visit her daughter from 11-11-2021 to 22-04-2022. It is submitted that the applicant is permanent resident of Pune. She is working with Sathe Dighe Associates LLP and the certificate issued by the employer dated 28-10-2021 has been placed on record. It is further submitted that the applicant's husband owns a property at Jalgaon, at Survey No.1067-A. It is submitted on instructions that the said property is not mortgaged by the applicant's husband or the applicant. The value of property is around Rs.45 Lakhs. The applicant is ready to deposit original documents of the title of the said property by way of security, till the applicant returns from U.S.A. The applicant would furnish the details as to where she is going to stay in U.S.A. as well as her contact number to the investigating officer.

5. Learned APP vehemently opposes the prayer sought in this application. It is submitted that the anticipatory bail was granted by the Sessions Court recently vide order dated 27-09-2021 on a condition as stated hereinabove. The applicant is one of the persons who had obtained loan of Rs.50,00,000/- from the Cooperative Credit Society and deceived the Society. The offence is of serious nature. The applicant may not return from abroad. Investigation is in progress. Specimen hand writing of the applicant is required to be obtained. The documents which are part of the investigation, support the case of the prosecution that she has obtained loan and had borrowed amount of Rs.50,00,000/-

6. Learned advocate for applicant submitted that the applicant is willing to appear before the investigating officer before 11-11-2021 and give her specimen of hand writing. It is further submitted that the applicant had filed dispute before the Co-operative Court. On 30-05-2009, the Co-operative Court had declared that the claim of loan amount of Rs.56,52,329/- as claimed by Sahakar Mitra Chandrakant Hari Badhe Sir Urban Cooperative Credit Society Ltd., Warangaon, by notice dated 06-05-2008, is illegal. Documents relating to the pregnancy and due delivery of daughter has been annexed to this application.

7. FIR has been registered in 2017 and the investigation has been going on since then. The applicant had complied with direction of reporting the investigating officer till date. The applicant is willing to appear before the investigating officer before she travels abroad and furnish the details of her residence. The applicant has also shown willingness to deposit the documents of property owned by her husband, by way of security. It is also apparent that the applicant is permanent resident of Pune. Taking into consideration the aforesaid circumstances, the relaxation as prayed by the applicant can be granted.

ORDER

- (i) Order dated 27-09-2021, passed by the learned Additional Session Judge, Bhusawal, granting anticipatory bail to the applicant in Criminal Bail Application No.587 of 2021, is modified and the condition Nos. (e) and (f) are relaxed for a period from 11-11-2021 to 24-04-2022.
- (ii) The applicant shall furnish the details of the place where the applicant would be residing in U.S.A. Applicant shall provide mobile number to contact her, to the Investigating officer, before she leaves India.
- (iii) Applicant shall deposit the original title deeds in respect to the property of her husband, situated at survey No.

1067-A in Jalgaon, before she travels abroad. The documents be deposited with investigating officer which are to be returned to applicant after she returns to India.

- (iv) Applicant shall appear before the investigating officer, CID Jalgaon tomorrow i.e on 30-10-2021 and furnish the aforesaid details as well as the original title documents in respect of the property as stated above. The investigating officer shall issue acknowledgment on receipt of documents.
- (v) After the applicant returns to India, she shall report within one week of her return to the investigating officer to inform him about her return.
- (vi) In the event the place of residence is changed by the applicant while she is abroad, the intimation in that regard shall be given to the investigating officer.
- (vii) Application is disposed of.

(PRAKASH D. NAIK, J.)