

Aura

IN THE HIGH COURT OF BOMBAY AT GOA

Criminal Application (Bail) No. 64 of 2021

Mrs. Laxmi H. Rathod
R/o H. No. 1/202, Gaura Vaddo,
Near St. Anthony Chappel North Goa,
Presently Residing at Vidya No.963,
1st Main 6th Cross, Kengeri Satellite Town,
Bengaluru, Karnataka. Applicant

Versus

1. State of Goa, Thr. P.I. Attached to Calangute Police Station, Calangute and anr. Respondent

***Mr. Sahil Deshprabhu with S.O. Patil, V. Parab, Advocates
for the Applicant.***

***Mr. S. Dhargalkar, Additional Public Prosecutor for
Respondent-State***

CORAM: MANISH PITALE, J
DATED: 8th September, 2021

Oral Order ;

1. By this application, the applicant is seeking anticipatory bail in connection with Crime No.237 of 2020 registered against her at Calangute Police Station for the offences under section 406, 420 r/2 34 of IPC. The complainant in the present case is the mother of the applicant and she has made allegations against

her own children i.e the applicant before this Court and her brother. The allegation pertains to the activity of the accused persons in swindling amount from the complainant.

2. The learned counsel for the applicant has invited attention of this Court to the order dated 25/8/2021, whereby the co accused has been granted anticipatory bail. But, by an order passed on the same date i.e. 28/8/2021, the Sessions Court has rejected the application of the applicant before this Court. It appears that the Sessions Court has found some distinction in the alleged roles played by the applicant and her co accused brother.

3. Mr. Dhargalkar, the learned Additional Prosecutor has appeared on behalf of the respondent -state. This Court has perused the order passed by the Sessions Court. It is recorded that the bank account of the applicant is already frozen. By the nature of the allegations made in the present case, the evidence predominately would be documentary in nature, which the applicant can furnish before the Investigating Officer. If the applicant cooperates with the investigation, this Court is of the opinion that the present application can be allowed by imposing appropriate conditions. In view of the above, the application is allowed in the following terms:

ORDER:

(i) In the event the applicant is arrested in connection with the FIR No.237/2020, dated 28/8/2020 registered at the Calangute Police Station in connection with Crime No.237 of

2020 under sections 406, 420 r/w 34 I.P.C., she shall be released on bail on furnishing a P. R. Bond for an amount of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer.

(ii) The applicant shall report to the Investigating Officer on 13/9/2021 and, thereafter for a period of 7 days between 10a.m. and 12 noon. Thereafter, the applicant shall appear before the Investigating Officer as and when she is called.

(iii) The applicant herself or through any other person shall not tamper with the evidence or influence the witnesses.

(iv) Needless, to say that violation of any of the conditions would make the applicant liable for cancellation of bail.

MANISH PITALE, J.