

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.288 OF 2020**

Seema Paresh Rao] Applicant

Vs.

The State of Maharashtra]

(Amboli Police Station)] Respondent

A/W

INTERIM APPLICATION NO.171 OF 2021

Shailendra Ramanand Hegde] Applicant

IN THE MATTER BETWEEN:

Seema Paresh Rao] Applicant

Vs.

The State of Maharashtra]

(At the instance of Amboli Police Station)] Respondent

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Mr. Gajendra Jadhav, for the Applicant

Ms. M.M. Deshmukh, APP, for Respondent-State.

Mr. Atul Sanap, A.P.I, Amboli Police Station present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 4th DECEMBER, 2021.

P.C:

1. The applicant has a reasonable apprehension of her arrest in Crime No.103 of 2019 registered with Amboli Police Station of the offences punishable under sections 406, 420 r/w 34 of the Indian

Penal Code.

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2. Heard Mr. Jadhav, learned Counsel for the applicant and Ms. Deshmukh, learned A.P.P for respondent-State.

3. Briefly stated, it is the case of the prosecution that the applicant is the Director of four companies i.e C.M.A Industries Pvt. Ltd, C.M.A Aviation Pvt Ltd, C.M.A Global Films LLP and C.M.A Hospitals Pvt Ltd. The applicant had induced the complainant to purchase three flats bearing No.407, 504 and 505 in Panchatantra-2, Yari Road, Versova, Andheri (West), Mumbai along with her husband Paresh Rao and one Santosh Parab who is the friend of the complainant. The complainant/ intervener had paid an amount of Rs.60,00,000/- to the applicant and her husband. However, so far an amount of only Rs.18,00,000/- has been returned to the complainant.

4. It is the case of the prosecution that the applicant and other accused have similar *modus operandi* and, therefore, three more crimes were registered against them bearing; C.R. No.107 of 2019 with D.N. Nagar Police Station, C.R. No.103 of 2019 with Amboli Police Station and C.R. No.140 of 2019 with Amboli Police Station.

5. The intervener has strongly objected release of the applicant in the event of the arrest, as according to him, the applicant and others have not only dishonestly misappropriated the amount paid by him under the pretext of purchasing three flats but also made the complainant to suffer financial loss.

6. I have perused the papers as well as the record placed before the Court.

7. Ms. Deshmukh, learned A.P.P submits that custodial interrogation of the applicant is not necessary as she is co-operating.

8. It is submitted on behalf of the applicant that the applicant has two kids and she is well settled in Mumbai having roots, and, therefore, there is no question of her abscondance and she would abide by all the terms and conditions which may be imposed upon her.

9. Having considered the submission of the learned A.P.P that custodial interrogation of the applicant, at this stage, is not required by the Investigating Officer, the applicant needs to be protected. Hence, the order;

: ORDER :

(a) In the event of arrest of the applicant, she be enlarged on bail in C.R No.103 of 2019 registered with Amboli Police Station on furnishing a P.R bond in the sum of Rs.50,000/- with two solvent sureties in the like amount;

(b) The applicant shall not leave the jurisdiction of the concerned Court without seeking prior permission;

(c) The applicant shall co-operate with the Investigating Agency as and when called;

(d) The applicant shall not commit any offence similar to the offence with which she has been charge-sheeted;

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case;

10. The application stands disposed of.

11. In view of disposal of the application, Interim Application No.171 of 2021 stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]