

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

ANTICIPATORY BAIL APPLICATION NO. 828 OF 2021

1. Ms. Nandini Jaiswal D/o
Premchand Jaiswal

2. Mrs. Suman Jaiswal W/o
Premchand Jaiswal

... Applicants

Versus

The State of Maharashtra & Anr.

... Respondents

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Mr. Omkprakash Singh a/w Mr. Ramnath V. Kini, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Amol Chavan (P.S.I.) Vileparle Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th APRIL, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 60 of 2021 registered with Vileparle Police Station, Mumbai for offences under Sections 392, 170 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the accused were involved in committing robbery by taking away the amount of Rs. 12 Crores from the victims. About 13 accused were arrested. They were produced before concerned Court for remand. Accused No.5

Premchand Jaiswal is husband of applicant No.2 and father of applicant No.1. During the course of investigation it was revealed that amount of Rs. 2 Crores, 95 Lakhs was handed over by applicant No.2 to her brother and in pursuant to that the said amount was recovered. Statement of brother of applicant No.2 recorded, in which he stated that 2 bags containing Rs. 2 Crores, 95 Lakhs was handed over by applicant No.2 to him.

3. Learned APP submitted that huge amount is involved in this case. So far the amount of Rs. 7 Crores is recovered and the balance amount is yet to be recovered. It is further submitted that after the registration of FIR, both the applicants were absconding.

4. Learned counsel for the applicant countered by submitting that the applicant No.1 is student. There is no evidence against her. The amount which was allegedly handed over by applicant No.2 has been already recovered. Custodial interrogation of the applicants is not necessary. It is submitted that the accused No.5 made grievance before the Court that he was threatened. His daughter was made to sit at the Police Station. His statement was recorded by the learned Magistrate on 20th February, 2021.

5. Learned APP however submits that in spite of complaint of accused No.5, police custody remand was granted. There are eight

cases registered against the accused No.5 Premchand Jaiswal. Huge amount is involved. The husband of applicant No.2 is involved in this case. He is in custody.

6. The applicants were allegedly absconding after the incident. Learned APP submitted that the applicant No.2 had handed over the amount and it is necessary to interrogate her for recovery of further amount. As far as applicant No.1 is concerned, I do not find any material to subject her for custodial interrogation. However, the involvement of the applicant No.2 is disclosed during the investigation. Huge amount was diverted by her.

ORDER

- (i) Anticipatory Bail Application No. 828 2021 is partly allowed.
- (ii) Application of applicant No.1 is allowed;
- (iii) Application of applicant No.2 is rejected;
- (iv) In the event of arrest of the applicant No.1 in connection with C.R. No. 60 of 2021 registered with Vileparle Police Station, Mumbai, the applicant No.1 be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (v) The applicant No.1 shall attend the investigating officer as and when called for.

(vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)