

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

ANTICIPATORY BAIL APPLICATION NO. 1105 OF 2021

Suvidha Rajesh Gharat

... Applicant

Versus

State of Maharashtra

... Respondent

Mr. Ujjwal Gandhi for Applicant. _____

Mr. H. J. Dedhia, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 14th JULY, 2021

(Through Video Conferencing)

P. C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 215 of 2020 registered with CBD Belapur Police Station, Navi Mumbai, on 24/12/2020 under Sections 420 and 406 r/w.34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ujjwal Gandhi, learned counsel for the applicant and Mr. Dedhia, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Gaurishankar Phule. He has stated that, he had retired from his service in the year 2013. In January, 2014 he came to know about one Mahesh Shah who was working with one Rajesh Gharat. The applicant

is wife of Rajesh Gharat. Rajesh was described as a builder. He was having his firm. The first informant met applicant's husband Rajesh. The informant was shown brochure of the project which was to be developed by Rajesh. The project was to be constructed on the land situated in Sector numbers 6, 7, 8, 9, 10B, 12, 13, 15 and 16 at Ulawe. After initial negotiations the informant decided to purchase three galas and three shops. The price was fixed at Rs.50 lakhs. According to the first informant, he had paid Rs.50 lakhs through cheques and through cash deposits. The informant followed up the matter with the accused Rajesh till 2018, but he was not given his premises as promised. Therefore, this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, there is no role attributed to the present applicant in the F.I.R. The representation was made by her husband Rajesh. There is only reference that, she was present in one of the meetings with the first informant. He submitted that the applicant was a sleeping partner in the partnership business which was exclusively looked after by the applicant's husband. Applicant's husband is already arrested and at present he is released on bail.

5. Learned APP opposed this application. He submitted that, there were 7 other victims and the total amount taken by the applicant's firm is Rs.2,41,87,688/-. He submitted that, other victims have described specific role of the present applicant.

6. I have considered these submissions. As mentioned earlier, in the F.I.R., only reference to the applicant's name is that, she was present at one of the meetings. The representation was made by the applicant's husband. As far as, statements of other victims namely John D'Souza, Savita Pinto, Wilfred Mathiyas, George Nazarat, Stany D'souza, Merry Nazarat, James Pariera and Michael Pareira are concerned, they have stated that, they had gone to the office of the applicant and her husband's partnership firm at Belapur. There are general statements from all these witnesses that, they had met the applicant's husband, as well as, the applicant in the office and both of them had accepted the amount. Both of them had given allotment letters to them. However, all these statements show that the representation was made by the applicant's husband that 50% discount would be given by their firm to purchasers. Thus, there is reason to believe that the representation in all these transactions was

made by the applicant's husband and he was looking after the business of partnership firm. There is no other material indicating that the applicant was in-charge of the business or that she had independently made representation to any of the victims. Her husband was already arrested and released on bail. In this view of the matter, applicant's custodial interrogation is not really necessary. It would be sufficient if she attends the police station and co-operates with the investigation.

7. Hence, the following order.

ORDER

- (i) In the event of her arrest in connection with C.R.No. 215 of 2020 registered with CBD Belapur Police Station, Navi Mumbai, the applicant is directed to be released on bail on her furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)