

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

ANTICIPATORY BAIL APPLICATION NO.1181 OF 2021

1. Neelam Nitish Maheshwari, &
2. Narendra @ Gablu Rajput Applicants
Versus
The State of Maharashtra Respondent

Mr. Ratnish Dubey, Advocate for the Applicants.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th MAY, 2021
[Through Video Conferencing]

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.I-154/2020 registered at Central Police Station, Ulhasnagar-3 on 15.4.2020 under Sections 406 and 507 of the Indian Penal Code.

2. The Applicants are sister and brother. Applicant No.1 is wife of the main accused Nitish Maheshwari. The FIR is lodged by one Manish Hingorani. He has stated that he had got acquainted with Nitish since past 8 years. Nitish had taken hand-loan from him on few occasions and had returned that

money. On 16.1.2020, he had telephonically asked for financial help from the first informant. On 23.1.2020, Nitish along with Applicant No.1 met the informant at his house. Nitish pleaded with him to extend financial support. The first informant met him when he told him that he had gold with him and not cash. Nitish showed willingness to accept gold. The first informant thereafter gave a gold biscuit weighing 1290 grams to Nitish. Nitish and Applicant No.1 then went away with that gold. After that, the gold was not returned. The first informant repeatedly asked Nitish to return his gold. But he refused to return it and also threatened the informant. On this basis, the FIR is lodged. The price of the gold was mentioned as Rs.45,15,000/-.

3. Heard Shri Ratnish Dubey, learned Counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the State.

4. Learned Counsel for the Applicants submitted that Nitish was arrested and was granted bail by learned J.M.F.C., Ulhasnagar vide order dated 19.3.2021. It was observed in

that order that there was no recovery during investigation and no further purpose would be served by keeping Nitish behind bars. Learned Counsel for the Applicants submitted that the Applicants' role is not mentioned in the FIR. The name of Applicant No.2 is not mentioned at all. Applicant No.1 had allegedly merely accompanied the main accused Nitish to the house of the informant.

5. Learned A.P.P. opposed this application, but, on instructions, submitted that there was no further material except the FIR against the present Applicants.

6. I have considered all these submissions. The FIR does not mention any role played by Applicant No.2 at all. Even as far as Applicant No.1 is concerned, the only role attributed to her was that she had accompanied her husband to the house of the first informant when her husband had requested for some help and the informant had given that particular gold biscuit to him. The main allegations are against the main accused Nitish.

7. As submitted by learned Counsel for the Applicants, Applicant No.1 has a two year old daughter. This is also a circumstance which I am taking into account.

8. Considering all these aspects, both the Applicants deserve protection of anticipatory bail. Learned Counsel for the Applicants stated that the Applicants are willing to furnish local solvent sureties.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.I-154/2020 registered with Central Police Station, Ulhasnagar-3, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two local solvent sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)