

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

ANTICIPATORY BAIL APPLICATION NO.1538 OF 2021

Mousmi P. Samanta

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

...

Mr.Asash Vijay i/b Mrs. Tripti Shetty, Advocate for Applicant.

Mr. S.H. Yadav, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 24thSEPTEMBER, 2021**

PC.

1. The applicant is apprehending arrest in C.R. No. 696 of 2019 registered with Borivali Police station for the offences under Sections 406, 420, 120-B of the Indian Penal Code (for short "IPC"). The investigation is taken over by DCB, CID Unit-XI vide C.R. No.228 of 2019 for the offences under Sections 465, 468, 471, 120-B read with Section 34 of the IPC were added.

2. The case of the prosecution is that the complainant was induced to purchase antique items by representing him that they are with special features. They were proved to be ordinary pieces. Loss of Rs.1,54,00,000/- was caused to the

complainant as far as the applicant is concerned. It is alleged that the informant had gone to the Kolkata, he had met the applicant and others. Amount of Rs.6 lakhs was paid to the brother of the applicant in cash in the presence of the applicant. The applicant was concerned with M/s International Venus Metal and the amount was diverted into the account of said company where the applicant was joint account holder.

3. The applicant had preferred an application before the Sessions Court, which has been rejected by order dated 21.06.2021.

4. The contention of the applicant is that the applicant has not played any role in the transaction. No amount was credited into the personal account of the applicant. The other accused were arrested and charge-sheet is filed against them. They are granted bail. The amount is not credited into the account of the M/s. International Venus Metal. The FIR is silent in that regard. Except the allegations that the amount was handed over in the presence of the applicant to another person, no other overt act is attributed to the applicant. The applicant has abided the conditions stipulated in order dated 07.07.2021 passed by this Court by attending the Police Station.

5. Learned APP submitted that Mousmi Samanta and Mousami Chatterjee is one and the same person. The role

ascribed to the applicant is that amount of Rs.6 lakhs in cash is handed over to the brother of the applicant in her presence. The applicant was concerned with the M/s. International Venus Metal. The account of the said company was opened on 08.08.2014 and closed on 22.01.2019.

6. Undisputedly, four other accused were arrested and they were charge-sheeted. They were granted bail. The order passed by Sessions Court refers to the fact that the applicant is concerned with three companies and transaction is carried out by informant in her bank account. Learned APP, on instructions, clarified that the applicant is concerned with only one company i.e. International Venus Metal. The amount was not credited to the account of said company. The other observations made in the order passed by Sessions Court that the amount of Rs.6 lakhs is deposited by informant in the account of the company, created by the applicant and co-accused is not correct.

7. The applicant was granted interim protection by this Court by order dated 07.07.2021 with directions to appear before the Investigating Officer on stipulated dates. The applicant has complied with said directions. Considering the factual aspects of this matter, custodial interrogation of the applicant is not necessary.

ORDER

- (i) Anticipatory Bail Application No.1538 of 2021 is allowed;
- (ii) Interim order dated 07.07.2021 is confirmed.
- (iii) In the event of arrest of the applicant in C.R. No.696 of 2019 registered with Borivali Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iv) The applicant shall appear before the Investigating Officer and thereafter as and when called for till filing of the charge-sheet;
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)