

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

ANTICIPATORY BAIL APPLICATION NO.1591 OF 2021

Sneha Ramchandra Vernekar Applicant
Versus
The State of Maharashtra Respondent

Mr. Jitesh Agarwal, Advocate for the Applicant.
Smt. M.R. Tidke, APP for the Respondent-State.
PSI Samir Pawar, Samta Nagar Police Station is present.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JULY, 2021
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.32/2021 registered at Samta Nagar Police Station, Mumbai on 29.1.2021 under section 420 of the Indian Penal Code.
2. Heard Shri Jitesh Agarwal, learned counsel for the Applicant and Smt. M.R. Tidke, learned APP for the State.
3. The FIR is lodged by one Chandrakant Mestry. He has stated that he wanted to purchase a room. He came to know about availability of room at Morarji Mill Compound,

Mhada C Wing, 1601/02 at Ashok Nagar, Kandivali East. He got to know about this information on 7.10.2019. He contacted the number which was given in that advertisement. It was answered by accused Niraj Vishwakarma. The informant went to that particular room. It was shown by Niraj. The informant liked the room and wanted to purchase it. The FIR mentions that Niraj Vishwakarma then took the informant to the present applicant's room. It was mentioned that the applicant was aunt of Niraj. During this meeting, the informant was told to pay Rs.20 Lakhs. It was mentioned that the documents were with the applicant. The FIR mentions that he had paid Niraj Rs.10 Lakhs through three cheques and they entered into a MOU. Subsequently the room was not given and the money was not returned. Therefore, this FIR was lodged. In the FIR, the allegations against the present applicant are that on 10.2.2020, the informant had approached the applicant and at that time she had given two cheques of Rs.1.50 lakh and Rs.3.50 Lakh from the account of Niraj Vishwakarma. Both the cheques were dishonored. The

applicant was also mentioned as an accused in the FIR.

4. Learned counsel for the applicant invited my attention to MOU executed between the informant and the co-accused Niraj. He submitted that the transaction was between these two parties. The applicant had no connection whatsoever in this case. There was no misrepresentation made by the applicant and, therefore, the applicant's custodial interrogation is not justified.

5. Learned APP, on instructions of the investigating officer, relied on the averments made in the FIR to oppose this application.

6. I have considered these submissions. As mentioned in the FIR itself, there are hardly any allegations against the present applicant except for the fact that she was allegedly present in the meeting when the negotiations were done and on one occasion she had given cheques to the informant. Significantly those cheques were from the account of co-accused Niraj Vishwakarma. This shows that the applicant was not involved in the transaction between Niraj

Vishwakarma and the informant. In this view of the matter, the applicant's custodial interrogation is not necessary at all. She can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.32/2021 registered at Samta Nagar Police Station, Mumbai, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)