

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

ANTICIPATORY BAIL APPLICATION NO.2216 OF 2021

Nikita Jagdishchandra Rawal

@ Yamini Rawal

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

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Mr.Akhilesh Chaubey a/w Vedika Chaubey, Vipul Yadav i/b
AVC & Associates, Advocate for Applicant.

Mr. R.M. Pethe, A.P.P. for the Respondent-State.

PSI Deepali Balavant patil, Santacruz police station present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 14th SEPTEMBER, 2021**

PC.

1. This is an application for anticipatory bail in connection with C.R. No.397 of 2020 registered with Santacruz police station for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

2. The First Information Report was lodged on 31.12.2020. The grievance of the complainant is that he was acquainted with the applicant through social media. On 28.12.2020 he came to Mumbai and checked into the hotel. The applicant had allegedly come to receive him and she had also visited hotel with him. The complainant was carrying a bag containing valuable worth Rs.3,30,000/-. The said bag was handed over to the applicant for safe keeping. Thereafter the applicant and her acquaintance

including her sister visited the hotel. The complainant thereafter shifted to another hotel. All of them celebrated. Bag was handed over to the applicant. After 2-3 days bag was returned to the complainant. Subsequently, on verification, he found that the articles kept in the bag were missing. It is also alleged that the diamond ring of the complainant was handed over to the applicant.

3. Learned counsel for the applicant submitted that the case is false. Most of the items were gifted to the applicant by the complainant. FIR itself mention that several items were gifted by him to the applicant. The applicant had lodged the FIR against the complainant for the offence under Section 376 of IPC and other offences. The said FIR was registered on 31.03.2020. It is alleged that both of them were acquainted through social media. They have visited several places in India and also travelled abroad and stayed together. There was promise of marriage and the applicant was subjected to physical relationship. The fact narrated in the FIR lodged by applicant were suppressed in the present FIR.

4. On instructions from the applicant, learned counsel for the applicant submitted that the articles mentioned in the FIR dated 31.12.2020 were gifted to the applicant viz gold ring, ladies purse, Samsung Company A51 cellphones, ear buds and diamond ring. The applicant is willing to co-operate with the

investigation and return the articles to the investigating Officer.

5. Learned APP submitted that the investigation is in progress. Prima facie, investigation disclosed that the items from bag are in possession of the applicant.

6. In view of factual aspects narrated hereinabove, applicant need not be subjected to custodial interrogation. However, it is expected that she will co-operate with the investigation and comply the statement made before this Court.

ORDER

- (i) Anticipatory Bail Application No.2216 of 2021 is allowed.
- (ii) In the event of arrest of applicant in C.R. No. 397 of 2020 registered with Santacruz Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs. 25000/-, with one or more sureties in the like amount;
- (iii) The applicant shall appear before the Investigating Officer on 20th, 21st and 22nd September 2021 between 11.00 am to 01.00 pm.
- (iv) The applicant shall comply the statement that the articles mentioned in the FIR would be handed over to the investigating officer.
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)