IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.392 OF 2022

Vinita Singh .... Applicant

versus

State of Maharashtra .... Respondent

…....

- Mr.Saurabh V. Patil, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.719/2021, dated 23/11/2021, registered with M.R.A. Marg Police Station, Mumbai, under sections 406, 420 of the Indian Penal Code.

2. Heard Mr.Saurabh V. Patil, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Nimitt Kiran Dingre. He has stated that he had transaction with one Kshitij Kumar Singh for

delivery of medical handgloves. Initially the goods were provided by the main accused Kshitij as per the requirement and slowly he won trust of the informant. The gist of the allegation is that the informant had given Rs.3,91,75,200/- in the bank account of Kshitij. But he never delivered the goods. There was understanding between them for imposing penalty for late delivery. Accordingly the due amount increased to Rs.4,38,55,200/-. Thus, according to the first informant, he was cheated to that amount. On this basis, the FIR is lodged.

4. Learned counsel submitted that the Applicant is not involved in commission of the offence. She is sister of the main accused Kshitij. The allegations at the highest against her as reflected in the remand report are that Rs.10 lakhs were transferred in her account and therefore she was sought to be arrested. But she has not taken part in commission of the offence. The main accused is the brother of the Applicant. He is providing household expenses to the Applicant. The Applicant is not aware of the source of that amount.

5. Learned APP opposed this application. She submitted that the main accused is Khitij and investigation has revealed Rs.10 lakhs has come in the account of the present Applicant from him and therefore her custodial interrogation is necessary.

6. I have considered these submissions. The subject matter of the FIR is about more than Rs.3 crores. The amount has gone in the account of the main accused Kshitij. He, in turn, has given Rs.10 lakhs to the present Applicant. It is also an admitted fact that the Applicant is the sister of main accused Kshitij and therefore there is strong possibility, as submitted by the learned counsel for the Applicant, that she has taken financial help from her brother for her daily household expenses over a period of time. There is possibility that she may not be aware of the source of that money. At least from the FIR, there is nothing to show that she had taken any part in the discussion or in making false inducement. Therefore in this view of the matter,

her custodial interrogation is not necessary. She can be directed to attend the concerned police station and can be directed to co-operate with the investigation.

7. Hence, the following order :

<u>O R D E R</u>

(i) In the event of her arrest in connection with C.R.No.719/2021, dated 23/11/2021, registered with M.R.A. Marg 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) 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.)