

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

ANTICIPATORY BAIL APPLICATION NO.403 OF 2022

Sunita Kamlesh Mehta

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Ms Rukhsar Ansari h/f. Ms Falguni Brahmbhatt for the Applicant.

Ms A.A. Takalkar, APP for Respondent-State.

Mr. Milan Desai for the Intervenor.

Mr. Anil Mule, PI, D.N. Nagar police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th MARCH, 2022.

P.C.:-

1. This is an application under Section 438 of the Cr.PC. filed by the Applicant apprehending his arrest in C.R. No.692 of 2021 registered with D.N. Nagar Police Station, Mumbai for offences punishable under Sections 406 and 420 r/w 34 of the IPC.

2. Heard Ms Rukhsar Ansari, learned counsel for the Applicant and Ms A.A. Takalkar, learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Rakesh Kothari. The case of the prosecution is that the Applicant and her husband had induced the Complainant and others to invest in a gold scheme on an assurance of heavy returns. The Complainant invested an amount of Rs.1,19,00,000/-. The Complainant has alleged that the Applicant and her husband have neither paid the interest nor returned the principal amount.

4. By order dated 16/02/2022 this Court had granted interim bail to the Applicant with direction to report to the police station from 02/03/2022 to 04/03/2022. Learned APP states that the Applicant has reported to the investigating officer and she has been interrogated on these dates. Learned APP states that the amount received from the first informant and others has not been deposited or transferred in the Bank account of the Applicant. This Court had observed that the transaction was mainly with the husband of the Applicant. Prima facie there is nothing on record to show that the money which has been misappropriated has been utilised for purchasing any property in the name of the Applicant.

5. In the light of the above, and also in view of the reasons stated in the order dated 16/02/2022 the Applicant is entitled for pre-arrest bail.

Hence, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No.692 of 2021 registered with D.N. Nagar Police Station, Mumbai the Applicant is ordered to be released on bail on executing bail bonds of Rs.30,000/- with one or two solvent sureties to the like amount.

(ii) The Applicant shall report to the investigating officer as and when required by the investigating officer.

(iii) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact number, and /or change of residence or mobile details, if any from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)