

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

ANTICIPATORY BAIL APPLICATION NO. 499 OF 2022

Pooja Surendra Aggrawal Applicant
Versus
The State of Maharashtra Respondent

Mr. Sushil Gaglani for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.326 of 2021 registered at Meghwadi Police Station, on 15/08/2021, under section 406 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Sushil Gaglani, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by the applicant's real sister. She has stated that, she had purchased Crysta Innova car in October 2018. She used to give this car to her father for his use. She lost her father on 03/02/2021. The applicant used to visit her father's house. According to the

informant, the informant used to reside with her father. It is her case that, during that period when the applicant used to visit her house, the informant used to give that vehicle to the applicant and her son for use.

4. On 23/02/2021, there was some quarrel between the sisters. The informant had called the police. Both the sisters had gone to Meghwadi police station and the informant had lodged N.C. complaint against the applicant. After that they went home. In the same night, allegedly, the applicant and her son took away that car with them. There was a mobile handset of the informant in the car. After that the applicant refused to return the car and mobile phone, instead, threatened her. On this basis the F.I.R. is lodged.

5. Learned counsel for the applicant submitted that the story is not true. The applicant herself had permitted the informant to park that car in parking space of the applicant's Malad flat. The applicant was residing in that flat and, therefore, on the request of informant, due to lack of parking space the applicant had permitted the informant to park her car in the Malad parking

space. The applicant has not taken that car. He submitted that, in respect of the same car, a challan was issued and photograph was taken at that time which shows that the car was driven by the applicant's ex-husband. The applicant's relations with her ex-husband are strained and the informant had good relations with the applicant's ex-husband and, therefore, obviously the informant had given that car for use to the applicant's ex-husband. He further submitted that, as of today, the car is taken away by the police and it is in their custody. The applicant's son is granted protection of anticipatory bail order by the Sessions court. There is no difference between the role of the applicant and her son. Therefore, on the ground of parity also the applicant deserves to be protected. He relied on the medical papers annexed to this application which show that the applicant had undergone procedure of angioplasty on 07/08/2020. Considering all this, he prayed for grant of anticipatory bail order.

6. Learned APP opposed this application. She submitted that, during investigation the applicant herself had provided information about the car having been parked at Malad parking

space in her building and from there the car was taken by the police to the police station by towing it. She submitted that the applicant has not co-operated with the investigation and she has not handed over keys of the car. Her custodial interrogation is necessary to recover the mobile phone and keys of the car.

7. I have considered these submissions. The alleged incident had occurred in the night of 23/02/2021 and the F.I.R. is lodged belatedly on 15/08/2021. That delay has remained unexplained, particularly, in the background that, in the night of 23/02/2021 itself the informant had approached the police station and had lodged her N.C. complaint. Therefore, the informant was very much aware of the procedure of approaching the police. In that night itself she had called the police by dialing number 100 in respect of some petty quarrel with the applicant. Therefore, it is difficult to understand as to why she did not approach the police immediately for almost six months.

8. The car in question as of today is seized by the police. The applicant's son had played the same role as mentioned in the F.I.R. and yet he is granted protection of anticipatory bail order.

Therefore, on the ground of parity also the applicant deserves the same treatment. Apart from that, as pointed out by the learned counsel for the applicant, she is heart patient and had undergone angioplasty in August 2020. The dispute appears to be between sisters. No fruitful purpose would be served by permitting custodial interrogation of the applicant. She deserves to be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.326 of 2021 registered at Meghwadi Police Station, the applicant is directed to be released on bail on her furnishing P. R. 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.)