

Urmila Ingale

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

ANTICIPATORY BAIL APPLICATION NO.3313 OF 2022

Smt. Kishori Chetan Trivedi ..Applicant
vs.
The State of Maharashtra ..Respondent

Mr. Jagdish S. Hegde, for applicant.
Ms. A.A. Takalkar, APP for respondent-State.
Mr. P.M. Rasam, PSI, Malad present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2022

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for pre-arrest bail in respect of C.R. No.186 of 2018 registered with Malad Police Station for the offence punishable under sections 420, 465, 467, 468, 471, 473 read with section 34 of the Indian Penal Code, 1860.
- 3.** The applicant is the wife of main accused-Chetan Trivedi. The informant is the Manager of Bassein Catholic Co-operartive Bank. He lodged a complaint that the applicant and her husband -Chetan Bhika Trivedi (accused

no. 1) for expanding the business, availed loan by depositing certain bogus documents. It is alleged that the documents in respect of the flat which was mortgaged were found to be false and bogus. The crime was registered on 05/04/2018. The accused no.1 was arrested on 24/12/2018. By an order dated 22/02/2019, the Sessions Court released the accused no. 1-Chetan Trivedi on bail of Rs.25,000/-. While releasing Chetan Trivedi on bail, the trial Court has observed that the case is mainly based on the documentary evidence and the trial will take its own time. The original accused no. 1 was remanded to police custody on 29/12/2018 for his custodial interrogation. The applicant is wife of Chetan Trivedi. Learned counsel for the applicant submitted that she will make herself available as and when called by the Investigating Officer for interrogation. The applicant is shown as a wanted accused. The Bank has already initiated proceedings under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The possession of the flat in question has been taken over by the Bank.

4. In this view of the matter, considering the nature of the offence and the allegations made against the applicant and the fact that the original accused no. 1 has already been interrogated, the present application can be allowed. As observed by the trial Court while granting bail to accused no. 1, the case is mainly based on the documentary evidence and the trial will take its own time. In this view of the matter, the custody of the applicant is not really required in the present case. Hence, the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. 186 of 2018 registered with Malad Police Station, the applicant –Kishori Chetan Trivedi be released on bail on her furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall attend the concerned police station as and when required by the Investigating Officer.

5. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)