

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.841 OF 2021

(SMT. POOJA MANISH AGRAWAL...VS.. STATE OF MAH. THR. PSO PS HINGNA, DIST. NAGPUR)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri N.B.Jawade, Advocate for Applicant.
 Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 16, 2022.

1. By the present application under Section 438 of the Code of Criminal Procedure the applicant is seeking anticipatory bail in Crime No. 590 of 2021 registered on 18/01/2021 with Police Station, Hingna, Nagpur City on a complaint of one Ritesh Ashok Dhoke against the applicant and her husband for the offences punishable under Sections 467, 468, 471, 420 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant lodged a complaint alleging that the applicant and her husband booked a Flat No.B-9-B-405 costing totally Rs.17,00,000/- and Rs.11,000/- was paid as advance towards booking and Rs.5,00,000/- was paid online. An amount of Rs.1,00,000/- was again deposited with the Developer on 30/10/2021. Thereafter on 12/11/2021 both the accused came to the office of the complainant and paid the balance amount of Rs.15,39,000/- vide Demand Draft No. 528965, dated

11/11/2021. Accordingly, sale deed was executed vide Registration No.13408/2021. However, on depositing the demand draft, it was found that the demand draft is fake, accordingly, the complaint was lodged.

3. I have heard the learned counsel for the applicant and the learned A.P.P. for the State.

4. Shri Jawade, learned counsel for the applicant submits that the applicant is nowhere connected with the alleged offence as there is no role played by her in preparing fake demand draft.

5. It is submitted that her husband was arrested and he is in jail and the allegations are against her husband that he was instrumental in creating fake demand draft.

6. He further submits that the investigation is now completed and charge-sheet is filed. It is therefore, submitted that her custody is not required. He, therefore, prays for confirmation of the interim protection granted by this Court to her vide order dated 07/12/2021.

7. On the other hand, Shri Sirpurkar, learned A.P.P. opposed the application and states that a FIR other than the one in this matter, was lodged against the applicant and her husband in similar type of offence. He, therefore, submits that if the application is allowed there is

a possibility that the applicant would repeat the offence. Accordingly, he prays for dismissal of the application.

8. In this matter, the charge-sheet is filed and the investigation is complete and the allegation of creating fake demand draft is mainly against the husband of the applicant. Furthermore, nothing has been pointed out that why her custody is necessary in this matter.

9. Moreover, while granting interim protection vide order dated 07/12/2021 a condition was put to the applicant to attend the Police Station on every Sunday between 12:00 noon to 02:00 pm which she has complied with and there is no complaint of misusing of liberty granted to her.

10. In that view of the matter, I am of the opinion that the applicant is entitled for grant of bail in the event of her arrest in the alleged offence. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) The order granting ad-interim anticipatory bail dated 07/12/2021 is confirmed.

The application stands **disposed of** accordingly.

JUDGE

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