

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

ANTICIPATORY BAIL APPLICATION NO. 790 OF 2023

Triveni Sanjay Yadav ... Applicant
v/s.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 1176 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 790 OF 2023**

Javed Gulamrasul Bhagwan and ors. Intervenors

In the matter between :-

Triveni Sanjay Yadav ... Applicant
v/s.
The State of Maharashtra Respondent

Mr. Tushar Sonawane for the Applicant.
Mr. Shrikant Yadav, APP for the State.
Mr. Vaibhav Gaikwad for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th MARCH, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R.No.34/2023 registered with Pandharpur Taluka Police Station, Solapur Rural for offences punishable under sections 406, 409, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Interevenor. I have 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 Javed Gulamrasul Bhagwan. A perusal of the FIR prima facie reveals that the Applicant and her husband had induced the Complainant and others to invest in share market on an assurance to give good returns. It is stated that the Complainant and the other investors had invested total amount of Rs.18,50,000/-. It is stated that the Applicant and her husband did not return the money with returns as assured. Hence, the FIR came to be lodged for cheating and misappropriation of the said amount.

4. The records reveal that no amount has been credited in the account of the Applicant. She is not the beneficiary of any of these transactions. The only allegation against her is that she had accompanied her husband and explained the scheme. This *per se* would not justify custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.34/2023 registered with Pandharpur Taluka Police Station, Solapur Rural, she shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

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

5. The Application stands disposed of. Interim Application stands disposed of in view of disposal of Anticipatory Bail Application.

(SMT. ANUJA PRABHUDESSAI, J.)