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

BAIL APPLICATION NO.154 OF 2023

NISHA KETAN DUSARA	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Sushil Upadhyay i/b. Adv. Ashok M. Saraogi for the applicant.

Ms. Veera Shinde, APP for the State.

J. B. Kadam, PSI, Tilak Nagar Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 29, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 406, 420, 465, 468, 471, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 15.09.2022 vide FIR No.752 of 2022 with Tilak Nagar Police Station.

3. The prosecution case is that the complainant's daughter had gone to USA for studies. The visa of his daughter for staying in USA had expired and she wanted to

stay in USA for the purpose of working. The complainant's daughter was residing in Atlanta (USA) on student visa. The amount of Rs.8,33,83,695/- was paid by the complainant to the accused No.1 (since deceased) to legalize the illegal acts committed by the complainant's daughter who was residing in USA as an illegal immigrant. The complainant's daughter was introduced to the accused No.1 through a common friend. The accused No.1 did not do the work as promised. So far as the applicant is concerned, she was working with the accused No.1. An amount of Rs.13,50,000/- was transferred by the accused No.1 in her account. In her statement the applicant stated that the said amount was transferred by her in the personal account of Dhawal Jani and Sunworld Tours and Travels Private Limited which was withdrawn by Dhawal Jani. The accused No.1 had transferred a sum of Rs.43,00,000/- from his account to the account of the applicant from which Rs.25,00,000/- was transferred by the applicant in the account of Dhawal Jani. The allegations are mainly against the accused No.1 who has since expired. No doubt some amount has come into

the bank account of the present applicant.

4. Learned APP while opposing the application for bail submitted that there are as many as three criminal antecedents reported against the applicant. First registered with Malad Police Station vide C.R. No.757 of 2021 under Sections 420, 406, 465, 468, 471, 504, 506, 34 of the IPC. The second is registered with Malad Police Station vide C.R. No.1021 of 2022 under Sections 420, 465, 467, 468, 34 of the IPC. The third is registered with Vile Parle Police Station vide C.R. No.450 of 2019 under Sections 420, 406, 34 of the IPC. It is further submitted by learned App that the applicant is a British National and has two passports. It is submitted that there is every likelihood of the applicant fleeing the country and not facing the trial.

5. The applicant is a woman and is in custody since 28.09.2022 for a period of one year. The trial is likely to take a long time to conclude. Though the antecedents by itself in my opinion should not be a reason to deprive the applicant the facility of bail, in the facts and circumstances of the present case, I am inclined to enlarge the applicant

on bail by imposing stringent conditions in view of the antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Nisha Ketan Dusara in connection with FIR No.752 of 2022 registered with Tilak Nagar Police Station shall be released on bail on her furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Tilak Nagar Police Station twice a month on the first and third Monday of every month between 11.00 a.m. to 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not leave the area of Mumbai/ Mumbai Suburban district till the trial is concluded without permission of the trial Court.

(g) The applicant shall not leave the country without permission of the trial Court.

(h) Before release on bail the applicant shall deposit her passports with the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)