

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 551 OF 2023

Yogita K. Chennur

...Applicant

V/s.

The State of Maharashtra

...Respondent.

WITH

INTERIM APPLICATION NO. 1669 OF 2023

Mr. Aniket Nikam i/b Amit Icham for the Applicant

Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

Mr. M.B. Zanwar for the Complainant/Intervenor.

CORAM : N.R. BORKAR, J.
DATE : 28.04.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending her arrest in Crime No.247 of 2022 registered at Faraskhana Police Station, Pune for the offences punishable under Sections 420 and 406 of the Indian Penal Code.
3. The allegations against the present applicant and other co-accused are of cheating and misappropriation of the amount to the tune of Rs.47 lakhs. It is alleged that out of the said amount of Rs.47 lakhs, the applicant had received Rs.4 lakhs.
4. The learned counsel for applicant has tendered affidavit-cum undertaking of the applicant. The same is taken on record and marked as “X” for the purposes of identification.

5. For the ease of reference, the said affidavit-cum-undertaking is scanned and reproduced below:



IN THE HIGH COURT OF JUDICATURE
 AT BOMBAY
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPLICATION NO. 551 OF 2023
 (Application for Anticipatory Bail)

DIST: PUNE

Yogita Kishor Chennur Applicant

Versus

The State of Maharashtra Respondent

AFFIDAVIT CUM UNDERTAKING ON BEHALF OF
THE APPLICANT

I, Yogita Kishor Chennur Age: 42 years, Occ: Housemaker, Permanent R/at: 225, Ganj Peth, Near Mangal Club Mitra Mandal, Pune - 411 042. Presently R/at: Gulab Nagar Society, Bunglow No. 7, Shivraj Apartment, Dhankavadi, Pune - 411 043, on solemnly affirm and humbly submits that;

1) I am filing this additional affidavit only for limited purpose i.e. to show my willingness to deposit Rs. 4 lakhs in registry of this Hon'ble Court without prejudice to the rights and liabilities of the Applicant.

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- 2) I state that, I am willing to deposit an amount of Rs. 4 lakhs in registry of this Hon'ble Court without prejudice to the rights and liabilities of the Applicant. I state that, following is the manner in which I am willing to deposit the amount of Rs. 4 lakhs.
- 3) I state that, I will deposit 2 Lakhs on or before 3rd May 2023 and further 2 lakhs on or before 15 June 2023 in the Registry of this Hon'ble Court without prejudice to the rights and liabilities of the Applicant.
- 4) I state that all the aforesaid has been explained to me in vernacular language and I state that the same is true and correct whatever stated hereinabove is true and correct.

Solemnly affirmed at Mumbai)

This day of April, 2023)
26

A. E. Chavan

Identified by me:

Advocate for Applicant

D. S. Sharma
Deponent



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VERIFICATION

I, Yogita Kishor Chennur Age: 42 years, Occ: Housemaker,
Permanent R/at: 225, Ganj Peth, Near Mangal Club Mitra
Mandal, Pune - 411 042. Presently R/at: Gulab Nagar Society,
Bungalow No. 7, Shivraj Apartment, Dhankavadi, Pune - 411
043., the Applicant above named, do hereby solemnly
affirm and state on behalf of myself that the contents of
the aforesaid paragraphs are true to the best of my
knowledge, belief and information and all the aforesaid
has been explained to me in vernacular language and I
state that the same is true and correct.

Solemnly affirmed at (Mumbai)

This day of April, 2023
26ID (Aadhar) No. 53 89 89 86 88 99
Seen Org. / POA / Extra Resol.

Deponent

Deponent

BEFORE ME

Identified by me:

MANISH M. PABALE
B No. 15220ADVOCATE & NOTARY (GOVT. OF INDIA)
04, Nehru Chambers,
94 Nagindas Mehta Road,
Fort Mumbai - 400 001

NOTED & REGISTERED

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Date: 26 APR 2023



6. The main allegations are against the husband of the present applicant. Considering the overall facts and circumstances of the case and in view of undertaking of the applicant, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No. 247 of 2022 registered at Faraskhana Police Station, Pune for the offences punishable under Sections 420 and 406 of the Indian Penal Code (IPC), he be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall deposit the amount as per affidavit--cum-undertaking before the trial Court.
- D] The complainant and other victims are at liberty to move an application before the Trial Court for withdrawal of the amount. If such application is made, the Trial Court shall decide the same on its own merits.

7. The Interim Application for intervention is disposed of.

[N.R.BORKAR, J.]