

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1130 OF 2023

Meena Sham Rathod ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Ganesh Patil a/w. Mr. Pravin Dabade and Mr. Akash Ahire, for
the Applicant
Ms. Anamika Malhotra, APP, for the Respondent/State.
Mr. Pradip Bhitode, PSI, L.T. Marg police station.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 13, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.
2. This application is preferred seeking pre-arrest bail in
connection with C.R. No. 985 of 2022 registered at L.T. Marg police
station for the offences punishable under section 420 read with 34
of Indian penal Code, 1860.
3. On 15th April, 2023 this Court was persuaded to grant interim
relief observing, inter alia, as under:-

3. The aforesaid crime was registered pursuant to the
FIR lodged by Dilesh Lalit Parekh. The First Informant
has alleged that, on 27 October 2022, one person, who
disclosed his name as Rajesh Prajapati came to his
shop along with the Applicant and another person
and told him that they wanted to sell gold ornaments.
The First Informant purchased the said ornaments
weighing about 510 grams and paid to them total

amount of Rs.20,00,000/-. Subsequently, the gold was found to be fake. Hence, the First Informant lodged the report against Rajesh Prajapati and other two persons.

4] Name of the Applicant is not mentioned in the FIR. At this stage, apart from the statement of co-accused Rajesh Prajapati, there is no other material on record to show the involvement of the Applicant in the aforesaid crime.

4. The learned APP submitted that though the applicant was not present along with co-accused on 27th October, 2022, when the first informant was deceived to part with a sum of Rs. 20 lakhs by selling fake gold, the applicant is equally complicit as she had accompanied the co-accused Rajesh Prajapati on 11th October, 2022. It was submitted that the applicant is a member of the racket.

5. I am afraid to accede to this submission. Even if it is assumed that the applicant did accompany the co-accused Rajesh Prajapati on 11th October, 2022, the complicity of the applicant for the alleged occurrence dated 27th October, 2022 hinges upon the nexus between the applicant and the incident which occurred on 27th October, 2022. Prima facie, there is no material. In the aforesaid view of the matter, I am impelled to make the order of interim bail absolute.

6. The order of interim bail dated 19th April, 2023 is made absolute on the terms and conditions incorporated therein.

7. In addition, the applicant shall regularly attend the

proceedings before the jurisdictional Court.

8. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)