

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

ANTICIPATORY BAIL APPLICATION NO.1238 OF 2023

1. Kamlesh Sudama Molasi
2. Rashmi Nilesh More ...Applicants

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1380 OF 2023

Swati Kamlesh Molasi ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. Shailesh Kharat for the Applicants.
Mr. S.V. Gavand, APP for the Respondent -State.
Mr. Kunal Rane for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 4th MAY, 2023.

P. C. :-

1. The Applicants seek pre-arrest bail in C.R. No.I-148 of 2023 registered with Worli Police Station, Mumbai, for the offences punishable under Sections 408, 420, 465, 467, 468, 471 and 477 of the IPC and Section 65 of the Information and Technology Act, 2000.

2. The aforesaid crime was registered pursuant to the FIR

lodged by Ronil Vishnu Malani. The First Informant has alleged that the Applicant-Swati Malasi has misappropriated total amount of Rs.24,81,526/-. She has already refunded to the Complainant an amount of Rs.9,00,000/-. It is seen that from the amount, which was misappropriated by the Applicant-Swati, an amount of Rs.25,000/- was transferred in the account of Applicant-Kamlesh Molasi and Rs.1,99,978/- was transferred in the account of her sister-Rashmi, Applicant No.2.

3. It is pertinent to note that previous bail application filed by Swati Molasi was allowed to be withdrawn. The Applicant-Swati has filed fresh application mainly on the ground that the Applicants-Swati Molasi and Kamlesh Molasi, Applicant No.1 in Anticipatory Bail Application No.1238 of 2023 are ready to deposit an amount of Rs.15,81, 526/- before this Court. The Applicant-Swati Molasi has filed her affidavit wherein she has given schedule of payment in paragraph 5, which reads as under:-

“a. In 2 weeks, I undertake to deposit Rs.4,00,000/-

b. In the month of June 15th, 2023, I undertake to deposit Rs.1,81,526/-

c. In the month of July 15th 2023, I undertake to

deposit Rs.2,50,000/-.

d. In the month of August 15th 2023, I undertake to

deposit Rs.2,50,000/-.

e. In the month of September 15th 2023, I undertake to

deposit Rs.2,50,000/-.

f. In the month of October 15th 2023, I undertake to

deposit Rs.2,50,000/-.”

4. Statements made in the affidavit/application are accepted as undertakings to this Court. Since the Applicants are ready to deposit the amount allegedly misappropriated, as well as considering the nature of accusations, in my considered view this would be a fit case to exercise discretion under Section 438 of the Cr.P.C.

5. Under the circumstances, the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R. No.I-148 of 2023 registered with Worli Police Station, Mumbai, the Applicants are ordered to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;

- (ii) The Applicants shall report to the concerned Investigating Officer as and when required by the Investigating Officer;
- (iii) The Applicants shall deposit the money as per the schedule given in paragraph 5 of the affidavit. In the event of default in paying the money as agreed, the bail order shall stand recalled;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)