IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1852 OF 2021

Renu Brijendra Singh ..Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Bahraiz F. Irani i/b. M.H.Chandanshiv for the Applicant.
Mr. R.M.Pethe, APP for the State.
Mr. Vaibhav Krishna a/w. Tahil Prande , Mr. Anmol Bartaria i/b. Juris Consillis for the Respondent No.2.
API Sayaji Kolekar from Oshiwara Police Station.

CORAM : ANUJA PRABHUDESSAI , J.
DATED : 7th AUGUST, 2023.

P.C.

1. The applicant apprehends arrest in Crime No. 28 of 2021 registered with Oshiwara Police Station for offences under Section 406, 409, 420 of the Indian Penal Code.

2. Heard Mr. Irani, learned Counsel for the Applicant, Mr. Pethe learned APP for the State. And Mr. Krishna, learned Counsel for the Intervenor. 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 Brijendrapal Singh, who is 71 years old divorcee. The first informant

had two sons from his first marriage. Salil, one of the sons of the first informant from his first marriage, expired on 24.10.2017. The first informant married the applicant on 17.9.2019. It appears that in October 2019 the widow of Salil filed a civil suit against the first informant and his son Akshay. The first informant claims that due to his advanced age and ill health he executed a general Power of Attorney in favour of the applicant. He states that she also obtained his signature on several papers and based on the said power of attorney she filed several cases against his son Akshay. It is stated that on 16.12.2020, i.e. within three months from the date of marriage, the applicant transferred an amount of Rs.3,61,00,000/- from the joint account to her personal account, which was opened on the same date i.e. 16.12.2020.

4. The records further reveal that the first informant owned four different flats. Acting on the power of attorney, the applicant executed gift deed dated 16.12.2020 and transferred two flats in her favour. The first informant revoked the power of attorney on 16.12.2020, despite which the applicant, acting on the same power of attorney executed two separate gift deeds, both dated 17.12.2020 and transferred two other flats in her favour. It is stated that one of the flats which was transferred by the applicant in her favour by Gift Deed dated 17.12.2020 executed on the basis of the revoked power of attorney has been sold to third party and that she has misappropriated the sale consideration.

5. The records prima facie indicate that within three months of the marriage the applicant had not only transferred the amount from the joint account to her personal account, but she had executed gift deed in her favour even after revocation of the power of attorney and further sold one of the flats which she had gifted to herself and has misappropriated the sale consideration.

6. Considering the nature of accusations, and the material in support thereof, I am not inclined to exercise discretion under Section 438 of Cr.P.C. The application is dismissed.

(ANUJA PRABHUDESSAI, J.)