

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

ANTICIPATORY BAIL APPLICATION NO.2102 OF 2023

Mrs. Saheba Naufil Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Fazlur Rahman with Mr. Avnendra Kumar and Mr. Karim Pathan for the Applicant.

Mr. S.V. Gavand, APP for the Respondent -State.

Mr. Santosh Tagad, API, Shiv Police Station, Mumbai, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 4th AUGUST, 2023.

P. C. :-

1. The Applicant apprehends her arrest in C.R. No. 164 of 2023 registered with Sion Police Station, Mumbai, for the offences punishable under Sections 420, 465, 467 and 471 r/w 34 of the IPC.

2. Heard Mr. Rahaman, learned counsel for the Applicant and Mr. S.V. Gavand, APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective.

3. The aforesaid crime was registered pursuant to the FIR lodged by Manohar Kashinath Patole. The facts narrated in the FIR

prima facie reveal that the father of the Applicant was the Deputy Dean of Sion Hospital. It is alleged that the father of the Applicant had assured the First Informant to secure admission for his daughter in MBBS course. The father of the Applicant had received Rs.65,00,000/-. The First Informant thereafter received an email stating that the admission was confirmed. The daughter of the First Informant attended classes and subsequently they learnt that the email was fake and fabricated and that she had not got admission for MBBS course. Based on the aforesaid report, crime came to be registered.

4. It is stated that the father of the Applicant has been arrested. In the course of the investigation, it was revealed that the co-accused Luvkumar Gupta had deposited an amount of Rs.11,50,000/- in the account of the Applicant. The Applicant had received total amount of Rs.11,50,000/-. The Applicant claims that she was not aware about the dealings between the First Informant and her father. The Applicant has filed an affidavit-cum-undertaking stating that she is ready to deposit an amount of Rs.11,50,000/- before this Court without prejudice to her rights and contentions. Schedule of payment is given in paragraph 3 of the affidavit.

5. Considering the said statement and particularly considering the role attributed to the Applicant, in my considered view this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 164 of 2023 registered with Sion Police Station, Mumbai, she is ordered to be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall report to the concerned Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (v) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;

6. The application stands disposed of.

The application may be listed on **10/08/2023** for compliance.

(SMT. ANUJA PRABHUDESSAI, J.)