

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2925 OF 2023**

Divya Paresh Bhadra ... Applicant
versus
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.4174 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2925 OF 2023

Seema Girish Vishwakarma ... Org. Complainant
versus
Divya Paresh Bhadra ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Manish M. Rathod for Applicant.
Smt. A.A.Takalkar, APP for State.
Mr. Rajiv M. Desai i/by Rajnath H. Pal, for Intervener.
Mr. Phad, PSI, Dahisar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 7 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.325 of 2023 registered with Dahisar Police Station for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code.
3. By an order dated 9 November 2023, this Court was persuaded to grant interim bail observing, inter alia, as under :

“4. The gravamen of indictment against the applicant is that since May 2022, the applicant and her husband induced the first informant to part with a sum of Rs.6,79,200/- by making a false representation that the accused would secure a home loan from Ujjain Mahakal Mandir Trust to the first informant and her father. Neither the loan was secured, nor the entire amount was repaid. The first informant was thus defrauded to the tune of Rs.5,29,200/-. The learned APP submits that the applicant had given an undertaking before the Court of Session to pay the amount.

5. Prima facie, it appears that the amounts were credited to the account of Amol More, the accused No.1 and husband of the applicant. Having regard to the facts of the case, especially the quantum of the amount and the sentence an offence under Section 420 of the Penal Code entails, it may be expedient to protect the liberty of the applicant till the matter is heard after providing an opportunity to the prosecution and the first informant.”

4. Learned APP, on instructions of the Investigating Officer, submitted that the applicant has appeared before the Investigating Officer in terms of the order of interim bail. The Investigating Officer requires to examine the data in the mobile phone handset of the applicant.

5. The learned Counsel for the Applicant submits that the applicant is ready and willing to handover the mobile phone handset of the applicant.

6. In the interim order, this Court has noted that the amounts were credited to the account of the husband of the applicant. In the circumstances, as the applicant has appeared before the Investigating officer and has shown willingness to surrender

her mobile phone handset, further custodial interrogation does not seem to be warranted. I am, therefore, impelled to make the order of interim bail absolute.

7. Hence, the following order :

ORDER

(i) The order of interim bail dated 9 November 2023 is made absolute on the terms and conditions incorporated therein.

(ii) The applicant shall surrender her mobile phone handset before the investigating officer on 14 December 2023.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The application stands disposed.

(v) Interim Application also stands disposed.

(N.J.JAMADAR, J.)