



Diksha Rane

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

BAIL APPLICATION NO.3546/2023

SHEETAL SANJAY KABIRA	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

**WITH
INTERIM APPLICATION NO.4219/2023
IN
BAIL APPLICATION NO.3546/2023**

PURAV VINOD MEHTA	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Anup S. Dhanyawat for the applicant.

Mr. N. B. Patil, APP for the State.

API Sandeep Warpade, D. N. Nagar Police Station, Andheri (W), Mumbai.

Adv. Dilip H. Shukla for the intervener.

Adv. Sunny Punamiya for the victim.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 10, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the interveners.
2. This is an application for bail in respect of the offence

punishable under Sections 406, 420, 467, 468, 471 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 18/3/2023 vide C.R. No.202/2023 with D. N. Nagar Police Station, Mumbai.

3. The total amount involved in the present case is Rs.36.50 lakhs. The accusations in brief against the two accused, the present applicant is the accused no.2 who is the wife of the accused no.1, is that the accused in collusion with each other lured the complainants to invest money in their business. It was projected by the accused that they provide luxury cars to Five Star Hotels. The accused prepared some forged and fabricated rubber stamps and documents which were shown to the complainants as a result of which the complainants were induced to invest their hard earned money in the scheme that was floated by the accused. One of the complainant is 76 years of age, a woman who has put in her hard earned money to the tune of Rs.18 lakhs.

4. Learned APP as well as learned counsel for the interveners submitted that unless the applicant furnishes sufficient security, the application should not be considered.

5. Learned counsel for the applicant filed an affidavit-cum-undertaking of the applicant in respect of the flat at Andheri (West) mentioned in the undertaking. Further, learned counsel for the applicant also submitted that in respect of the flat, the address of which is mentioned in the cause title, is also of the joint ownership of the present applicant and the accused no.1, which the applicant shall not deal with or dispose or part with the possession or create any third party interest till the proceedings are pending before the trial Court or subject to such further orders passed by the appropriate Court. The statement is accepted as an undertaking to this Court.

6. The applicant was arrested on 16/6/2023 and now in custody for almost five months with no possibility of the trial concluding any time soon. The applicant is a woman. Since the investigation is complete and the charge-sheet has been filed, that the applicant is a woman is one circumstances that weighed with me for enlargement of the applicant on bail. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. She is having a child of five years and there is nobody to

look after the child as her husband- the accused no.1 is in custody.

7. It is made clear that if any application for bail is filed by the accused no.1, the said application shall be considered on its own merits without being influenced by the observations made in this order.

8. The undertaking filed by the applicant in this Court dated 8/11/2023 shall be abided by her. Further, within a period of two weeks from the date of her release, an undertaking in the above terms, also in respect of the flat, the address of which is mentioned in the cause title of the application shall also be filed.

9. Over and above, learned counsel for the applicant submits that the applicant shall have no objection to the attachment of the property movable or immovable of her ownership joint or otherwise in accordance with law. If such application is made, the same shall be considered in accordance with law. The statement is accepted as an undertaking to this Court. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sheetal Sanjay Kabira in connection with C.R. No.202/2023 with D. N. Nagar Police Station, shall be released on bail on her furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of D. N. Nagar police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not leave the country without prior permission of the Investigating Officer.

(i) The applicant shall surrender her passport, if any, to the investigating officer.

(j) The applicant shall file an affidavit indicating herein above within a period of two weeks from the date of her release. In case the affidavit is not filed within a stipulated period, liberty to apply for cancellation of bail.

10. The application is disposed of.

11. The interim application is also disposed of.

(M. S. KARNIK, J.)