



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3494 OF 2023**

Reshma Rohan More	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Omkar Mayekar i/by Disha Chaurasia, for Applicant.
Smt. Ashwini Takalkar, APP for State.
Mr. Sawant, PSI, Nirmal Nagar Police Station present.

**CORAM: N.J.JAMADAR, J.
DATE : 14 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.281 of 2023 registered with Nirmal Nagar Police Station for the offences punishable under Sections 420, 506 read with Section 34 of the Indian Penal Code.
3. Co-accused Rohan, the husband of the applicant and Ashwini Prakash More, mother in law, are the owners of Flat No.401, Savitri Arcade, situated at Sector 23, Nerul, Navi Mumbai. Co-accused entered into an Agreement to Sale the said flat to the first informant for a consideration of Rs.42 Lakhs. At the instance of the co-accused Rohan, the first informant claimed to have deposited a sum of Rs.25 Lakhs in the account of the applicant. The first informant alleged that the said flat was already mortgaged with Raigad Janta Sahakari Patpedhi, Lalbag and yet the applicant and co-accused had entered into a Memorandum of Understanding to sell the said flat and

induced the first informant to part with a sum of Rs.25 Lakhs. Upon being confronted, the applicant and the co-accused allegedly abused and threatened the first informant. Hence, the report.

4. Learned Counsel for the Applicant submitted that this Court has ordered release of co-accused Ashwini More, in the event of arrest. It was submitted that though the first informant had credited the amount in the account of the applicant, he was not the beneficiary of the transaction. Her husband Rohan, co-accused, was operating the said account. Since Rohan subjected the applicant to matrimonial cruelty, she is residing separately from the co-accused Rohan. Attention of the Court was invited to the application submitted by the applicant to close the bank account and NC complaints lodged by the applicant against her husband Rohan.

5. It is true, this Court has exercised the discretion in favour of Ashwini More, mother in law of the applicant. However, the role attributed to the applicant stands on a different footing. There is material to indicate that the applicant and her husband Rohan had played a major role in inducing the first informant to part with the amount. Indisputably, the amounts were credited to the account of the applicant. There are allegations in the FIR that the applicant had demanded amount of consideration and, thereupon, the amounts were credited to the account of the applicant.

6. Endeavour on the part of the applicant to extricate herself by asserting

that it was her husband who was operating the account and there have been matrimonial disputes between the applicant and her husband, is required to be appreciated in the light of the fact that the amounts were credited to the account of the applicant, prior to the lodging of the NC complaints. The applicant seems to have filed the application with the Branch Manager to close the account in the month of June 2022, after the amounts were credited by the first informant and, in turn, utilized by the applicant. At this stage, it would be difficult to accede to the submission that the applicant is not the beneficiary of the amount which the first informant was induced to part with.

7. Thus, there is a qualitative difference between the role attributed to the applicant and co-accused Ashwini. It appears that the applicant and her husband Rohan had played a major role in deceiving the first informant. It further appears that another crime being C.R.No.456 of 2022 for the offences punishable under Sections 420, 406 read with Section 34 of the IPC of having defrauded the first informant therein to the tune of Rs.92 Lakhs has also been registered against the applicant. This antecedent also deserves to be taken into account.

8. For the foregoing reasons, I am not inclined to exercise discretion in favour of the applicant.

9. Hence, the following order :

ORDER

- (i) The application stands rejected.
- (ii) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)