IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.713 OF 2024

Pramila Santosh Shahpur .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Niranjan Kondyala, Advocate i/b. C.A. Legal, for the Applicant.
Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.235/2023 registered at Kandivali Police Station, Mumbai on 14.4.2023 under sections 465, 420, 170 read with 34 of IPC.

2. Heard Mr. Niranjan Kondyala, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Arun Gadakh. He was concerned with M/s. Shri Sidhivinayak (Kandivali) S.R.A. Co-operative Housing Society Limited, Kandivali (West). The informant has stated that said building was seven storey building and from 1st floor to 7th floor there were 12 rooms. 15 rooms were reserved for Municipal Corporation of Greater Mumbai [MCGM], out of which three rooms were allotted by MCGM and 12 rooms were reserved for them. The informant was the Secretary of the said society since August, 2022. On 12.12.2022 at about 1.00 p.m. about 7 to 8 persons came to the society. Out of them, one of them gave her name as Pramila Shahpur. According to the prosecution case, she is the present Applicant. She claimed that she was an employee of MCGM. She had brought a letter on the letter-head of the MCGM mentioning that the room Nos.707, 708, 709, 710, 711 and 712 were allotted to the persons accompanying her. The informant told them that as per Rules each of the members had to pay Rs.1,30,000/- to the society. Those persons accordingly gave cheques in the name of the society. The

informant told the Applicant that since MCGM had not informed the society about it, no steps would be taken in that behalf. The Applicant and others then went away. Before leaving the place, the Applicant had given a photo-copy of her identity card to the informant. On that document it was mentioned that the Applicant was working as a Clerk with the Assistant Engineer (R-South). The informant retained the documents and a copy of that identity card. On 24.11.2022, the society received a letter that the keys of locks of the aforesaid room numbers as well as room Nos.004, 007, 008, 0012, 704, 705, 706 were missing and their employee would come to the society. On 28.11.2022, the Applicant came to the society with one more person and she changed the locks of all these rooms and went away. On 31.1.2023, the society received a letter mentioning that those particular rooms were allotted to different persons. The informant got suspicious. He went to the office of Assistant Commissioner, R-South Ward. He showed the letter and copy of the identity card of the Applicant. The Assistant Commissioner told him that those were the forged documents. The informant realized that the Applicant had committed that offence and thereafter this FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant is innocent. She was always available but the police did not arrest her and there is suddenly no reason for the police to arrest her now. She is willing to cooperate with the investigation. Her cooperation by attending the police station would be sufficient. Her custodial interrogation is not necessary.

5. Learned APP opposed these submissions and produced the investigation papers before the Court.

6. I have considered these submissions and I have perused the investigation papers. The investigation carried out shows that the victims in this offence have paid money at the instance of the Applicant to one Pramod Patkar. All these accused were working in collusion. The statement of one Suryakant Aherkar shows that he wanted to purchase a room.

He went to Deonar MCGM office where Naeem Shaikh introduced Suryakant to Pramod Patkar and the present Applicant. They told him that they could give MGCM's room admeasuring 270 sq. ft. for Rs.25 Lakhs. Pramod Patkar and Naeem Shaikh took Suryakant to the informant's society and showed the building. Suryakant decided to purchase that room. He paid Rs.10 Lakhs and his friend Milind paid Rs.10 Lakhs for the separate rooms initially. In all both of them paid Rs.30 Lakhs to Pramod Patkar and the present Applicant in the presence of Naeem Shaikh. In the third week of December, the Applicant took him to the informant's building. There were other five to six persons. The Applicant introduced the office bearers of the society that she was officer of MCGM and that those rooms were allotted by MCGM to Suryakant and others. The informant told them that the maintenance of those rooms for the past eight years was due and payable; therefore, they needed to pay Rs.1,30,000/-. Those victim - purchasers gave cheques of that amount to the informant. After that Suryakant and others did not get possession of the rooms. The Applicant and Patkar returned Rs.8 Lakhs to them. The balance amount was not returned. The possession of the rooms was not given. Similar are the statements of Milind Bhange, Datta Jhanjhane and Roshan Dubey.

7. All these statements show the *modus operandi* and the planning behind commission of this offence. The offence is serious. The letter-head of MCGM was used. The Applicant impersonated as an officer of the MCGM. The amounts were taken from the victims. All this requires custodial interrogation of the Applicant. No case for protection under Section 438 of Cr.P.C. is made out. The Application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

PRADIPKUMAR PRAKASHRAO DESHMANE

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