

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

ANTICIPATORY BAIL APPLICATION NO.988 OF 2024

Pallavi Mukesh Pande Applicant
Versus
The State of Maharashtra Respondent

Mr. Hrishikesh Mundargi, Advocate i/b. Varun V. Thokal for the Applicant.
Smt. M.H. Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.85/2024 registered at Baramati Police Station, District-Pune on 17.2.2024 under sections 406, 420, 504, 506 read with 34 of IPC.

2. Heard Mr. Hrishikesh Mundargi, learned counsel for the Applicant and Smt. M.H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by one Swati Darade. She has stated that her husband was working in Mumbai Police

Department. When he was posted at Baramati City, the applicant's husband Mukesh got acquainted with the informant's husband. The FIR mentions that in January, 2023 the Applicant and her husband approached the informant and her husband and told them that if they paid money for purchasing the gold, they would be in a position to give concession in getting the ornaments and that they were in a position to save Rs.5,000/- per *tola*. The FIR mentions that the Applicant and her husband both came to their house on 19.1.2023. The informant issued a cheque for Rs.2 Lakhs in the name of the informant's husband. After that neither the money nor the ornaments were given to the informant. The amount was misappropriated. On this basis, the FIR is lodged. It is mentioned in the FIR that the Applicant's husband was arrested and the Applicant told the informant that the money would be returned after he was released on bail. However, the money was not returned. Instead, some cheques were given by the Applicant's husband. They were also dishonored. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that when the Applicant's Anticipatory Bail Application No.238/2023 was pending before the Additional Sessions Judge at Baramati, the Applicant had shown her willingness to deposit Rs.2 Lakhs in the Court. That application was made on 7.3.2024. It was allowed and the amount of Rs.2 Lakhs was deposited in the Court. However, when the Application was heard by learned Additional Sessions Judge, Baramati, learned counsel for the Applicant had specifically submitted that said amount was deposited only because the police were pressurizing the Applicant, but, the same was not be disbursed to the informant. On merits, the Court was not inclined to grant any relief to the Applicant and the Court further observed that depositing of the amount with such condition would not be a reason for grant of anticipatory bail relief. Hence, the said Application was rejected.

5. Learned counsel submits that after that Application was rejected, another application was made by learned counsel for the Applicant in that Court for withdrawal of the

amount of Rs.2 Lakhs which was deposited in that Court. Said Application was allowed. However, Shri Mundargi states that the amount is not yet withdrawn by the Applicant and it is still lying in that Court. Shri Mundargi, on instructions, made further statement that the Applicant has no objection if that amount is withdrawn by the informant without prejudice to rights and contentions of the Applicant on merits of the matter. He submitted that in view of that statement, this Court may consider granting anticipatory bail to the present Applicant.

6. Learned APP opposed this application based on the statements made in the FIR. However, she is not making any submissions in respect of the statement that the Applicant did not have any objection if that amount is withdrawn by the informant.

7. I have considered these submissions. Since the Applicant has shown her bonafides by depositing said amount in the Sessions Court and since the Applicant has no objection if the amount is withdrawn by the informant without prejudice to the rights and contentions of the Applicant, she can be

protected by the order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.85/2024 registered at Baramati Police Station, District-Pune, the Applicant is directed to be released on bail on her furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The informant is permitted to withdraw the amount deposited by the Applicant in the Court of Additional Sessions Judge, Baramati. The investigating officer shall inform the informant regarding this order.
- (iii) It is made clear that such withdrawal by the informant will be without prejudice to the rights and contentions of the Applicant on merits of the matter.
- (iv) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.04.16
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