

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4344 OF 2024**

Parumeeta Vijjan Chakravarti	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Mubin Solkar a/w. Mr. Tahir Hussain, Mr. Anas Shaikh and Tahera Qureshi for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. Prakash Sonavane, PSI, Powai Police Station, Mumbai.

CORAM : MANISH PITALE, J.

DATE : 06th DECEMBER, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is seeking bail as she was taken into custody in March 2022, in connection with FIR No.273 of 2018 dated 23.05.2018, registered at Powai Police Station, Mumbai, for offences under Sections 420, 418, 423 and 406 read with Section 34 of the Indian Penal Code, 1860 (IPC). She surrendered after her application for anticipatory bail was rejected by this Court by order dated 08.12.2021.

3. The learned counsel for the applicant submitted that although the informant in the present case, has alleged that he was duped by the applicant, by promising to arrange for a loan of huge amount and in that process, took substantial amount from the informant, the real dispute between the applicant and the informant can be said to be

arising from business transactions. It is submitted that although there was no formal partnership deed executed in the present case, the informant had associated with the applicant with regard to certain business interests and in that context, allegations and counter-allegations were made.

4. Specific attention of this Court is invited to a complaint dated 05.02.2018 submitted by the applicant to the Joint Commissioner of Police, Mumbai, making specific allegations against the informant, with regard to the manner in which he and others had defrauded and maligned her, in the backdrop of the business transactions between them. It was indicated that the applicant had paid certain amounts to individuals, who had raised grievance against her and others even in the State of Gujarat and according to her, since she had paid amounts to get rid of such criminal proceedings, the informant was encouraged to cause the FIR to be registered.

5. It was further submitted that in the present case, the applicant has suffered incarceration for a period of more than 2 years and 9 months. Being a woman suffering from ailments, details of which were taken note of by this Court in the order dated 28.11.2024, it was submitted that this Court may show indulgence and allow the present application. As regards the criminal antecedents upon which the learned APP has placed reliance, it was explained that the 11 FIRs in which the applicant had been arraigned as an accused, arose from such business transactions and that there is material to indicate that even the applicant has suffered substantial financial loss due to which she had also sought to initiate criminal proceedings against the informant and others. It is further brought to the notice of this Court that some of the FIRs were quashed, when the applicant paid

amounts to the aggrieved parties, thereby indicating that essentially, the dispute could be said to be of civil/commercial nature.

6. The learned APP, on the other hand, relied upon the statement of the informant, leading to registration of FIR, to contend that the ingredients of the alleged offences are clearly made out against the applicant. It is submitted that this Court, while rejecting the anticipatory bail application of the applicant, in the order dated 08.12.2021, specifically recorded the details of the 11 FIRs in which the applicant had been arraigned as an accused. It is submitted that this indicates the propensity of the applicant of committing such offence of cheating and that since she is originally a resident of West Bengal, it can be said that she is a flight-risk.

7. This Court has considered the rival submissions. The material on record has been perused and this Court is inclined to allow the application for the following reasons:

- (a) The applicant is a woman and she is suffering from specific health conditions. Although this Court, in the order dated 28.11.2024, found that bail could not be granted to the applicant only on medical ground, but the medical report submitted by J. J. Group of Hospitals was taken note of, which indicates that the applicant suffers from specific health conditions and being a woman, she is facing adversity during incarceration.
- (b) The applicant is a woman, who has already suffered incarceration for more than 2 years and 9 months and considering that only the offence under Section 420 of the IPC in the present case, prescribes for a maximum punishment of 7 years, the period of incarceration undergone by the applicant,

cannot be ignored.

- (c) Although serious allegations have indeed been made by the informant against the applicant with regard to the offence of cheating, it is relevant to note that prior to registration of the subject FIR, on 05.02.2018 itself, the applicant had submitted a written complaint to the Joint Commissioner of Police, Mumbai, raising serious allegations, not only against the informant but others also. A specific allegation was made that the informant had systematically trapped the applicant, who was doing well in her business, which had led to criminal proceedings being initiated against her. She was constrained to pay amounts to various aggrieved parties for quashing of FIRs and that in such a manner, the informant defrauded and maligned the applicant. It appears that no action was taken on this complaint specifically submitted in writing by the applicant before the police. The contents of the same do indicate that the applicant herself had knocked the doors of the police much prior in point of time.
- (d) The considerations while rejecting the application for anticipatory bail, are distinct from a situation where the Court is considering an application for regular bail. Therefore, the observations made in the order dated 08.12.2021, whereby anticipatory bail application of the applicant was rejected, may not be relevant for the present hearing. The 11 FIRs registered against the applicant, upon which the learned APP has placed much reliance, *prima facie* appear to be arising from such business transactions of the applicant in some of which she herself claimed to be entitled to certain amounts. In that sense, *prima facie*, it can be said that the applicant cannot be portrayed as a person having the propensity to cheat individuals.

(e) The *rojnama* of the proceedings before the trial Court in the present case, indicates that even on the last date i.e. on 05.12.2024, no effective progress could be made, for the reason that the applicant was not produced before the trial Court and therefore, the evidence of the witness, could not be recorded.

8. This Court is of the opinion that in the light of the above reasons, the applicant has made out a case in her favour for being enlarged on bail. The apprehension expressed by the learned APP that the applicant could be said to be a flight-risk, can be addressed by imposing appropriate stringent conditions.

9. In view of the above, the application is allowed in the following terms:

- (i) The applicant shall be released on bail in connection with FIR No.273 of 2018 dated 23.05.2018, registered at Powai Police Station, Mumbai, on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant, upon being released on bail, shall report to Powai Police Station, Mumbai on first Monday of each month between 10:00 a.m. and 12:00 noon during the pendency of trial.
- (iii) The applicant shall not leave the jurisdiction of the trial Court, without prior permission.
- (iv) Upon release, within one week, the applicant shall inform the Investigating Officer as well as the trial court about her contact number and residential address and update the same in case of any change.
- (v) The applicant shall co-operate with the trial Court in completing

the proceedings expeditiously and attend the proceedings before the trial Court on each and every date, unless specifically exempted, for the reasons to be recorded in writing.

- (vi) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not undertake any action that may influence the informant, witnesses and other persons concerned with the case.

10. The applicant shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions is violated.

11. It is also clarified that the observations made in this order are limited to the disposal of the present bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application is disposed of.

(MANISH PITALE, J)

Priya Kambli