

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

ANTICIPATORY BAIL APPLICATION NO. 1381 OF 2024

Ms. Sushila Pradeep Ambekar

@ Mrs. Sushila Gawai

... Applicant

Versus

The State of Maharashtra

... Respondent

Ms. Kusum Pandey a/w Pragati Mishra for the Applicant.

Mr. Bapu V. Holambe-Patil, APP for Respondent-State.

CORAM: MANISH PITALE, J.

DATE : 25th JUNE 2024

P.C. :

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

2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0261 of 2023 dated 15th May 2023 registered at Achole Police Station, Dist. Mira-Bhayandar, Vasai-Virar, for offence under Section 380 read with 34 of the Indian Penal Code, 1860 (IPC). The said offence pertains to theft in dwelling house.

3. The statement of the informant, leading to registration of the FIR, itself shows that the alleged incident is said to have taken place on 27th February 2022, while the FIR was registered on 15th May 2023, indicating considerable delay. Apart from this, the learned counsel appearing for the applicant correctly pointed that the allegation against the applicant is that she had stolen certain

original documents like Ration Card, Marriage Certificate etc. It is brought to the notice of this Court that the said documents were in fact produced before the competent Court in a proceeding for divorce initiated by the son of the informant and that the applicant is the daughter-in-law of the informant. Attention of this Court was invited to judgment and order dated 6th January 2023, whereby divorce decree was granted wherein it was recorded that the said original documents were produced before the aforesaid competent Court, which granted the divorce decree. It is to be noted that the FIR was registered after the divorce decree was granted.

4. Having perused the aforesaid material, this Court is convinced that a strong *prima facie* case is made out by the applicant in her favour for protection from arrest, so long as she cooperates with the investigation. This Court has gathered an impression that the FIR is the result of the acrimony the informant had against the applicant, in the light of the matrimonial discord between the applicant and the son of the informant, which eventually led to the aforesaid divorce decree.

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

- (a) In the event the applicant is arrested in connection with FIR No. 0261 of 2023 dated 15th May 2023 registered at Achole Police Station, Dist. Mira-

Bhayandar, Vasai-Virar, she shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer, as and when called. She shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses or any other person concerned with the case.

6. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

7. The application is disposed of.

MANISH PITALE, J.