

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

ANTICIPATORY BAIL APPLICATION NO. 1603 OF 2024

1. Jacob Devraj Madari
Aged 41 years, Occ. Service

2. Padmavati Jacob Madari
Aged 40 years, Occ. Housewife,
R/at. Room No.6-B, Salamati Hill,
Hemant Manjrekar Marg, Sardar
Nagar No.3, Near BMC Building
No.E-0, Sion Koliwada,
Mumbai – 400 022.

..Applicants

Vs.
The State of Maharashtra
(At the instance of Andheri MIDC
Police Station in C.R. No.742/2023)

..Respondent

Mr. Husen Shaikh, for the Applicants.
Ms. Mahalaxmi Ganapathy, APP for the Respondent – State.

**CORAM : R. N. LADDHA, J.
DATE : 14 JUNE 2024**

P.C.

1. Heard Mr Husen Shaikh, the learned Counsel representing the applicants, and Ms Mahalaxmi Ganapathy, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the

applicants, apprehending arrest in C.R. No.742/2023, registered at Andheri MIDC Police Station, for the offence punishable under Sections 406, 417, 420 r/w. 34 of the Indian Penal Code.

3. The applicant No.2 is wife of applicant No.1. The first informant is maternal uncle of applicant No.1. After demise of the informant's wife, they started residing with his adoptive son, Joshwa. As there was dispute between his son and informant, the applicant No.1 convinced the informant that they would look after him and subsequently brought him to their residence. It is alleged that after gaining the informant's trust, the applicant No.1 withdrew funds from the account of informant and also removed gold and silver ornaments from the informant's safe deposit locker. Furthermore, it is alleged that the applicants have transferred ownership of the informant's Andheri based property into the name of applicant No.1.

4. The learned counsel for the applicants submits that the applicants have not committed any offence. He points out that the notice dated 14 August 2023 did not level any accusations against the second applicant. The learned counsel submits that the present applicants are falsely roped in this crime.

5. On the other hand, the learned APP contends that taking the applicants into custody is essential for further investigation. The investigation is in progress. The material on record clearly

implicates the applicants in the crime and the intention to commit the offence is evident.

6. Upon perusal of the records, it *prima facie* appears that the applicant No.1 has committed the offence and without any authority withdrew money from the bank account of the informant. The applicant No.1 also removed gold and silver jewellery which was kept in the informant's safe locker. The property in question is yet to be recovered. The custodial interrogation of the applicant would be necessary. However, there are no specific allegations against the applicant No.2. *Prime facie*, there is no material to infer that the applicant No.2 in connivance with applicant No.1 has committed this offence. In view of this, the application of applicant No.1 is rejected. The application of applicant No.2 is however allowed in the following terms:

- (i) In the event of arrest of the applicant No.2 - Padmavati Jacob Madari in C.R. No.742/2023, registered at Andheri MIDC Police Station, she be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend the police station as and when required.

- (iii) The applicant shall not, herself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application is disposed of accordingly.

R. N. LADDHA, J.