

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
Anticipatory Bail Application No.1616 of 2024**

Mrs Sheela Suresh Pawar
Aged 59 years, Occ. Retired,
Having address at Flat no.1303,
Building no.7, Indraprasth Society,
Gaikarpada, Kalyan West,
Thane, Maharashtra - 421301. ... Applicant

v/s.

The State of Maharashtra
At the instance of
Naupada Police Station ... Respondent

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Mr A Karim Pathan, for the Applicant.
Ms Rajeshree Newton, APP, for Respondent State.
API Swati Lahane, Naupada Police Station.

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Coram : R.N. Laddha, J.
Date : 27 June 2024

P.C. :

By the present application, the applicant seeks pre-arrest bail in connection with CR No.614 of 2024, registered at Naupada Police Station, Thane, for the offences punishable under Sections 406, 420, 467, 471 read with 34 of the Indian Penal Code.

2. The prosecution alleges that the applicant's husband operated a firm namely, SS Enterprises. According to the informant, he paid an advance of Rs.12,00,000/- for a flat in the project that was supposed to

be completed in a time bound manner. However, the project remained incomplete, and despite repeated requests, the amount was not refunded. It is alleged that the applicant was present when her husband persuaded the informant to buy the flat and accepted the aforesaid amount. Further, it is claimed that the applicant's husband deceived several persons in a similar fashion.

3. Mr A Karim Pathan, the learned Counsel, appearing on behalf of the applicant, argues that the present FIR lacks substantial allegations against the applicant. The sole accusation pertains to her presence alongside her husband, co-accused Suresh Pawar. The alleged sums were transferred to SS Enterprise, a firm owned by the co-accused, and not the applicant. The learned Counsel submits that during the relevant period, the applicant held a senior clerk position at the Board of Technical Education and was unaware of her husband's business dealings. The applicant was not the beneficiary of these alleged sums.

4. Mr Pathan, the learned Counsel, contends that the FIR is an afterthought, driven solely by an intention to recover money from the applicant. Although the present crime was registered on 3 May 2024, the applicant's husband had already expired on 9 May 2023 and this fact was known to the informant given the proximity of their family relations. Furthermore, despite the alleged transactions occurring in 2018, the FIR was filed after a significant delay, coincidentally with the demise of the applicant's husband. The learned Counsel asserts the

applicant's innocence and argues against the necessity of custodial interrogation in the above circumstances.

5. Ms Rajeshree Newton, the learned Additional Public Prosecutor representing the respondent/ State, submits that during the negotiation and transactions, the applicant accompanied her husband, co-accused Suresh Pawar. The investigation is in progress and if the applicant is granted bail, she may tamper with the prosecution's evidence/ witnesses.

6. Upon perusing the record, it appears that the informant transferred sums to SS Enterprise, which is the co-accused's proprietary firm. The material available on record does not suggest any direct involvement of the applicant in the crime. The only allegation against the applicant is that she was present with her husband, co-accused Suresh Pawar, on several occasions. Additionally, there was a considerable delay in filing the FIR. The prosecution's apprehension that the applicant may tamper with the evidence/ witnesses can be addressed by imposing appropriate conditions. Given the above, the present application is allowed in the following terms:

- (i) In the event of the applicant's arrest in CR No.614 of 2024 registered at Naupada Police Station, Thane, she be released on bail on furnishing a PR Bond of Rs.25,000/-, with one or

more sureties in the like amount.

- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant shall not indulge in any activity that would tamper with the evidence or influence any witnesses.

7. The application stands disposed of accordingly.

(R.N. LADDHA, J.)