

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

Anticipatory Bail Application No. 2084 of 2024

Jyoti Santosh Deo
Age 53 years, Occ. Service,
R/a.: Room No.505, Meghdoot,
A Wing, Sahaji Raje Road,
Vile Parle (E), Mumbai.

...Applicant

Vs.

The State of Maharashtra
Through Sr. PI Vile Parle Police Station,
Mumbai.

...Respondent

Mr Aditya Mokashi a/w. Fauzan Shaikh a/w. Swapnil Telang i/b. RB
Mokashi, for the Applicant.

Mr Yogesh Y Dabake, APP for the Respondent – State.
PSI Anil Kasurde, Vile Parle Police Station, is present.

Coram: R. N. Laddha, J.
Date: 26 July 2024

P.C.

Heard Mr Aditya Mokashi, the learned Counsel for the applicant,
and Mr Yogesh Dabake, the learned Additional Public Prosecutor
representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant,
apprehending arrest in CR No.285 of 2024, registered at Vile Parle
Police Station, Mumbai, for the offences punishable under Sections
406, 420 read with 34 of the Indian Penal Code.

3. On 20 March 2024, the informant lodged a report alleging that
between 27 November 2021 and 20 March 2024, he paid a total of

Rs.15 lakhs to the applicant and other co-accused to obtain a tenement in the SRA Scheme. However, neither the applicant nor the co-accused provided the promised tenement, nor did they return the informant's money, resulting in an act of cheating.

4. Mr Aditya Mokashi, the learned Counsel appearing on behalf of the applicant, submits that there was no monetary transaction between the informant and the applicant, and there is no claim about the same in the FIR *qua* the applicant. The applicant has been arraigned merely because she happens to be the wife of accused No.1, and that the informant wants to build pressure to extort money by using police machinery. There is no material to show and to suggest or infer that the applicant is the beneficiary of the alleged sum. No role or liability is assigned to the applicant in the entire FIR. The applicant has not received a notice under Section 41 of the Code of Criminal Procedure, 1973. The applicant is a government employee ready to cooperate with the investigation.

5. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant and the co-accused conspired and gave false assurances to provide tenement in the SRA Scheme to the informant and accepted an amount of Rs.15 lakhs. However, he fairly acknowledges that the charge sheet was filed, and the only allegation against the applicant is that she was present when the co-accused, her husband, accepted the money from informant.

6. Upon perusing the records, it appears that the sole allegation against the applicant is that she was present alongside her husband, the co-accused, at the time of the alleged transaction. The applicant has neither made any promise to the informant nor is the beneficiary. There is nothing to be recovered from the applicant. The investigation is complete, and a charge sheet has already been filed. These circumstances do not warrant the applicant's custodial interrogation. Given the above, the present application is allowed in the following terms:

- (i) In the event of the applicant's arrest in CR No.285 of 2024, registered at Vile Parle Police Station, Mumbai, she be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or two sureties in the like amount.
- (ii) The applicant, herself or through any other person, shall not 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.)