

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

Anticipatory Bail Application No.2154 of 2024

Seema Khan Alias Samaira Motiyani

Age: 45 years, Occ.: Service,

R/at: Flat No.7, 2nd Floor, Rajgir

Mansion, 16th Dr Ambedkar Road,

Khar Road (W), Mumbai – 400052.

... Applicant

Versus

State of Maharashtra

(Through its Mahim Police Station)

... Respondent

Mr Bhaskar Jha, along with Mr Abhishek Dubey, for the applicant.

Mr Amit Palkar, APP, for respondent/ State.

API RK Khopkar, Mahim Police Station, Mumbai.

Coram: R.N. Laddha, J.

Date: 21 October 2024.

P.C.:

Heard Mr Bhaskar Jha, the learned Counsel appearing for the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.447 of 2021, registered at Mahim

Police Station, Mumbai, for offences punishable under Sections 406, 409, and 420 read with 34 of the Indian Penal Code.

3. The prosecution alleges that the applicant and the co-accused deceived the informant into paying Rs.1,66,87,404/- to establish a business named Abaya Embroidery and Gold, and failed to return the amount.

4. Mr Bhaskar Jha, the learned Counsel appearing on behalf of the applicant, submits that the informant, in her statement, clearly mentioned that she invested the entire sum of money at the behest of the co-accused, Mukesh Suryavanshi. The alleged offence is based on documentary evidence, including bank statement, licenses, and other business related documents, all of which are already with the investigating agency. Accused No.1 was arrested and subsequently released on bail by the Sessions Court in January 2023. Additionally, to demonstrate her *bonafides*, the applicant has already deposited Rs.9 lakhs with the trial Court.

5. At the outset, Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, based on instructions from the Investigating Officer present in the Court, acknowledges that the applicant has deposited Rs.9 lakhs in the trial Court. He further submits that the investigation is

complete, and a charge sheet has been filed. In these circumstances, the prosecution does not require the applicant's custody. The learned APP also submits that if the Court is inclined to grant pre-arrest bail, appropriate conditions be may imposed.

6. Upon perusing the records, it appears that the applicant is accused of persuading the informant to invest money to start a business and failing to return it. To demonstrate her *bonafides*, the applicant has deposited Rs.9 lakhs with the trial Court. Considering this, along with the fact that the investigation is complete, a charge sheet has been filed, and the prosecution does not require the applicant's custody, which implies its no-objection to granting pre-arrest bail, the application stands allowed. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.447 of 2021, registered at Mahim Police Station, Mumbai, she shall be released on bail upon executing a PR Bond on Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, herself or through any

other person, shall not indulge in any activities that may tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)