

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

Anticipatory Bail Application No.2398 of 2024

Mrs Patricia Amol Shinde

Age 42, Occ: Nil

R/o B-2/206, Sarova Tower, Samta

Nagar, Kandivali-East, Mumbai – 400 101

... Applicant

v/s

The State of Maharashtra (at the

instance of Samta Nagar Police Station)

... Respondent

....

Ms Sana Latif Shaikh, for the Applicant.

Mr Amit A Palkar, APP, for respondent/State.

PI Uday Kadam, a/w. PSI Bajrang Desai, Samta Nagar Police Station,
Mumbai, is present.

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Coram : R.N. Laddha, J.

Date : 30 August 2024

P.C. :

Heard Ms Sana Shaikh, the learned Counsel appearing on behalf of the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/State.

2. By this application, the applicant is seeking pre-arrest bail, in connection with CR No.505 of 2022, registered with Samata Nagar Police Station, for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. Ms Sana Shaikh, the learned Counsel appearing on behalf of the applicant, submits that the applicant is willing to demonstrate good faith by depositing Rs.3,84,200/- with the Registry of this Court. She submits that the applicant had issued cheque solely as security, but the informant misused the cheque by depositing it without the applicant's knowledge. According to the learned Counsel, the complainant had proposed an instalment plan for purchasing gold ornaments, with 24 monthly payments, and had accepted cheque only as security. However, the complainant initiated proceedings under Section 138 of the Negotiable Instruments Act and filed a false FIR. The complainant also pursued separate legal action for recovery. The applicant has lodged complaint with Samata Nagar Police Station against Yasmin Khan, Bhavana Parmar, and Vithhal Parmar, and has also filed a private complaint with the Magistrate's Court.

4. On the other hand, Mr Amit Palkar, the learned APP, submits that the applicant has criminal antecedents of similar nature, demonstrating a pattern of behaviour. The applicant is accused of deceiving the complainant and others through false promises, resulting in a total financial loss of Rs.86,97,068/-, and has a history of engaging in such fraudulent activities.

5. Upon perusing the records, it is evident that the Sessions Court previously denied the applicant's anticipatory bail on 18 May 2022,

and the present application was filed on 16 August 2024. Although the applicant has acknowledged the transaction and agreed to repay the complainant's amount, further investigation has revealed that the applicant is alleged to have defrauded multiple individuals, with four additional victims coming forward. Given the nascent stage of the investigation and the complexity of the case, the applicant's custodial interrogation is deemed necessary. As such, the application stands rejected.

[R.N. Laddha, J.]