

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2459 OF 2024

Vibha Brijesh Yadav ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Sunil Shukla for Applicant.
Mr. Prasanna P. Malshe, APP for Respondent-State.
Mr. Suhas Mhatre, API, Achole Police Station.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 13, 2024

P.C. :

. Heard Mr. Shukla, learned counsel for the applicant and Mr.Malshe, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0482 of 2023 dated 09.10.2023 registered with Achole Police Station, Mira-Bhayander, Vasai-Virar, for offences under Sections 43(j), (i) and 66 of the Information Technology Act, 2000. According to the informant, who is relative of the applicant, email id of her loan account was tampered with and changed by the applicant.

3. It is brought to the notice of this Court that both the offences are bailable and that in any case, by an order dated 02.11.2023, the Sessions Court itself had granted interim relief to the applicant during the pendency of her anticipatory bail application. Subsequently, the anticipatory bail application stood rejected on 16.08.2024, primarily on the ground that the applicant had failed to abide by the conditions imposed in the interim order and that she had allegedly not co-operated with the investigation. It is brought to the notice of this Court that

initially, the applicant could not appear before the concerned police station in terms of the interim order, due to miscommunication between the advocate of the applicant and herself. As soon as she came to know about the direction, from March 2024 onwards, she attended the police station at least on 10 occasions. It is submitted that the applicant is ready to co-operate with the investigation and also to surrender her mobile phone.

4. On the other hand, the learned APP submits that the Sessions Court has clearly recorded non-cooperation on the part of the applicant with the investigation and that she has failed to abide by the condition imposed in the interim order.

5. This Court is of the opinion that in the first place when the offences registered against the applicant, who is a woman, are bailable and there is proof placed on record at exhibit-C on her behalf of having attended the concerned police station at least on 10 occasions, it was a bit harsh on the part of the Sessions Court to reject her anticipatory bail application.

6. The explanation sought to be given on behalf of the applicant about her failure to abide by the condition of attending the police station from the date of the interim order till March 2024, can be said to be reasonable, particularly when she has tendered proof of having attended the police station at least on 10 occasions from March 2024 onwards. The applicant has undertaken to surrender her mobile phone and to co-operate with the investigation. Hence, the application deserves to be allowed.

7. In view of the above, the application is allowed in the following terms:-

A. In the event the applicant is arrested in connection with FIR

No.0482 of 2023 dated 09.10.2023 registered with Achole Police Station, Mira-Bhayander, Vasai-Virar, she shall be released on bail on furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer between 10:00 a.m. and 12 noon on 18.09.2024 and thereafter as and when required by the investigating officer;
- C. The applicant shall co-operate with the investigation. She shall surrender her mobile phone with the investigating officer;
- D. The applicant shall not contact the informant in any manner during the pendency of the investigation;
- E. The applicant shall not influence the informant, witnesses or any person concerned with the case and she shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. The application is disposed of.

(MANISH PITALE, J.)