

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

Anticipatory Bail Application No.2526 of 2024

Gayatri Tukaram Bodke
Alias Lavanya Chauhan,
Aged about : 45 years,
Occupation: Homemaker,
Residing at Room No.C/1503,
Majestic, Casabella, Palava,
Dombivli (E), Thane-421 201

...Applicant

v/s.

The State of Maharashtra
At the instance of Manpada Police
Station, Thane, In relation to C.R.
No.836 of 2024

...Respondent

Mr MH Mulla, a/w. Mr HS Udayar, for the Applicant.
Mr Yogesh Y Dabke, APP, for Respondent/ State.

**Coram : R.N. Laddha, J.
Date : 10 September 2024**

P.C.:

The applicant has filed this application seeking bail in anticipation of arrest in CR No.836 of 2024, registered at Manpada Police Station, Thane, for offences punishable under Sections 420 read with 34 of the Indian Penal Code.

2. According to the prosecution, in July 2022, the informant and his wife, while searching for a rental flat, met brokers Nishant Mishra and Prashant Mishra. These brokers introduced them to the co-accused

at his office in presence of the applicant. The co-accused, who owns MS Enterprise, showed them a flat in the Antarctic building. Although the informant was initially hesitant to rent the flat, the co-accused and the applicant convinced him otherwise. Consequently, the informant's wife transferred Rs.5,50,000/- to the co-accused, and a leave and license agreement was signed on 6 September 2022. It is alleged that three months later, the owner's son contacted the informant, demanding rent and threatening eviction. After discussing the issue with the co-accused and the applicant, the informant moved to another flat at Europa CHS in February 2023, where a new leave and license agreement was executed. In September 2023, when the informant needed money for his son's medical treatment, he discovered that the applicant and the co-accused had deceived him into renting the premises with a heavy deposit and had misappropriated the funds.

3. Mr MH Mulla, the learned Counsel appearing on behalf of the applicant, submits that the allegations in the FIR are bereft of details. He asserts that the applicant is falsely implicated in the crime as she was merely present in the co-accused's office. The learned Counsel highlights the leave and license agreements to demonstrate that there was no contractual relationship between the applicant and the informant. Mr Mulla asserts the applicant's innocence, stating that the applicant is not the beneficiary of the informant's sums. The learned Counsel expresses the applicant's willingness to comply with any conditions imposed by this Court.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is grave and necessitates the applicant's custodial interrogation. If the applicant is granted pre-arrest bail, he may tamper with the evidence or influence the witnesses.

5. Upon perusing the records, it appears that the informant's main grievance is against the co-accused, who accepted the substantial deposit and facilitated the rental arrangements. The applicant does not appear to be a party to the leave and license agreements. Apart from the mere presence of the applicant in the co-accused's office, the FIR lacks material details regarding the applicant's involvement in the crime. Moreover, there is no indication in the records that the applicant benefited from the misappropriated funds. At first glance, the genesis of the offence seems to be civil. Appropriate conditions can be imposed to address the prosecution's concerns about the evidence tampering and witness influence. In these circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order.

ORDER

(i) In the event of the applicant's arrest in connection with CR No. CR No.836 of 2024, registered at Manpada Police Station, Thane, she be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, herself or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]