IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2565 of 2024

Purvi Pradeep Meghani,
Aged about 44 Years, adult,
Indian inhabitant,
Widow of late Pradeep Meghani
Residing at C-701, Tirupati Apartment,
Opposite Mahalaxmi Temple,
Mumbai – 400 026 … Applicant

Vs.

The State of Maharashtra
(At the instance of Senior Inspector
of Police, Tardeo Police Station,
Tardeo, Mumbai) … Respondent

….

Mr R Sathyanarayanan Iyer, for the Applicant.
Mr Yogesh Y Dabke, APP for the Respondent – State.
PSI Walke, IO, a/w PSI Dhumal, Pairavi Officer, Tardeo Police Station, Mumbai, is present.

….

Coram : R.N. Laddha, J.
Date : 13 September 2024

P.C. :

Heard Mr R Sathyanarayanan Iyer, the learned counsel for the applicant and Mr Yogesh Dabke, 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.299 of 2024, registered with Tardeo Police Station, for offences punishable under Section 420 of the Indian

Penal Code.

3. It is the case of the prosecution that on 9 October 2023, the applicant and her husband visited the shop of the informant, 'Miyara Jewellers' and purchased ornaments worth Rs.80,00,000/-, issuing a cheque from the applicant's inactive bank account. Despite repeated demands, the applicant did not pay the amount. Realising that the applicant had deceived him, the informant lodged a complaint.

4. Mr Iyer, the learned Counsel for the applicant, submits that the applicant has no involvement in the alleged transaction. The applicant's husband and the informant's father were acquainted. Although the cheque originated from the applicant's inactive account, it was not signed by her. She has not operated the account since 2019. The learned Counsel submits that the applicant reported the missing cheque to the Manager of IDBI Bank and requested a 'stop payment'. The applicant had depleted all her resources and had to borrow money from family members.

5. Conversely, Mr Dabke, the learned APP, opposed the prayer for pre-arrest bail. He submits that there is material suggesting that the informant was persuaded to part with ornaments worth Rs.80,00,000/-. The applicant had issued a cheque and also signed the tax invoice, with the signatures on both documents being identical. On the day the cheque was issued or on the date of the alleged transaction, the account linked to the cheque was inactive. This, he

contended, clearly indicates that the applicant intended to deceive the informant from the beginning. Considering the death of the applicant's husband, the informant did not immediately file a complaint or take any action against the applicant.

6. Upon perusing the records, it appears that the applicant is named in the FIR. Prima facie, there is sufficient material available on record regarding the alleged transaction. The cheque in question is indeed from the applicant's bank account, and the applicant appears to have signed the tax invoice as well. The applicant's account was inactive at the time of the transaction. There appears material to show that the applicant was aware of the demand for money related to the alleged transaction from the informant. The record also show that, despite issuing a cheque from an inactive account, the applicant informed the Bank Manager that the cheque was lost to avoid payment. In light of the above, this Court is not inclined to exercise its discretion in favour of the applicant. Hence, the following order.

ORDER

The application stands rejected.

7. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail.

[R.N. Laddha, J.]