

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2747 OF 2024

Alka Dilip Kothari

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Subodh Desai, Senior Advocate a/w Mr. Omkar Mulekar, for Applicant.
- Mr. Kiran C. Shinde,, APP for Respondent.
- Mr. Tanveer Aziz Patel a/w Mr. Nauman Abbas Patel, for Complainant.
- Mr. Amol Baban Shinde, API, EOW-II, Navi Mumbai.

CORAM : MANISH PITALE, J.

DATE : 02nd DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant, the learned APP for respondent – State and the learned counsel having instructions to appear on behalf of the first informant.

2. On 10th October, 2024, this Court granted interim relief in favour of the applicant and directed her to appear before the Investigating Officer on specific dates and thereafter as and when called by the Investigating Officer.

3. While granting interim relief in favour of the applicant, this Court made the following observations:

“6. This Court has considered the statement, leading to registration of the FIR. There is no doubt about the fact

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that the applicant is also specifically named by the informant. The other victims/witnesses have also named the applicant in their statements. But, for the present, it appears that the amounts that were transferred, were in the account of the said proprietary concern and there is presently nothing to indicate that cash amounts were handled by the applicant. In any case, the applicant is a woman and senior citizen, aged about 61 years, who is ready to join the investigation. Therefore, while keeping the present application pending, this Court is inclined to grant interim relief in favour of the applicant.”

4. The learned APP has submitted that the applicant indeed appeared before the Investigating Officer as directed by this Court and 14th October, 2024 and her statement was recorded. A further statement was recorded on 24th October, 2024 and the applicant also surrendered her passport to the Investigating Officer. These facts indeed show that the applicant has cooperated with the investigation.

5. The observations made by this Court, quoted hereinabove, while granting interim relief hold good for allowing the application itself, particularly in the light of the fact that the applicant has indeed cooperated with the investigation. This Court cannot be oblivious of the fact that the applicant is a woman and senior citizen and general allegations have been made against her, while the allegations of inducement and allurement have been made against

the co-accused i.e. Mittal Dilip Kothari and Dilip Kothari.

6. In view of the above, the interim order dated 10th October, 2024 is made absolute and the application is allowed, subject to the applicant continuing to cooperate with the investigation, including remaining present before the Investigating Officer as and when called. She shall not tamper with the evidence and she shall not influence the informant, witnesses or any other persons concerned with the case.

7. Needless to say, the present application is allowed only in the context of the material appreciated with regard to the alleged role of the applicant. If the co-accused persons move applications for relief before the Sessions Court or otherwise, their applications shall be decided on merits without being influenced by the observations made in this order.

(MANISH PITALE, J.)