IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2803 OF 2024

Sujata Vitthal Rasal ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Subhash Jha a/w. Mr. Siddharth Jha, Mr. Sumeet Upadhyay and Mr. Ashish Saxena, i/b. Law Global for applicant.

Ms. R. V. Newton, APP for respondent-State.

Mr. Sharad Barkade, API, Khandeshwar Police Station, District Navi Mumbai.

CORAM : MANISH PITALE, J.
DATE : 17th OCTOBER, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0189 of 2024 dated 17.07.2024, registered at Khandeshwar Police Station, District Navi Mumbai, for offences under Sections 420, 465, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, 1860.

3. The informant in the present case, has stated that the applicant was one of the persons actively involved in execution of a registered document, whereby a property i.e. bungalow belonging to the informant, was shown to have been sold to a co-accused person, by presenting some other lady as the informant, before the office of the Registrar. A serious allegation of impersonation is made and it is alleged that the applicant was actively involved in this *modus operandi*. It is stated by the informant herself that

while purchasing the said bungalow from the original owner, she had taken financial assistance of ₹ 20 lakhs from the applicant and thereafter, the chronology of events is stated, raising a grievance that the applicant was actively involved in the aforementioned action of illegally selling off the bungalow without the knowledge of informant, by way of impersonation.

4. The learned counsel for the applicant submits that the documents executed *inter se* between the applicant and the informant, have been deliberately suppressed when the FIR was registered. Reference is made to such unregistered documents in the form of a Deed of Assignment and an irrevocable Power of Attorney, as also a legal notice dated 14.10.2020 sent on behalf of the applicant to the informant, followed by complaints made by the applicant against the informant before the office of Economic Offences Wing (EOW), Belapur, Navi Mumbai and thereafter, a further complaint submitted before the very same police station on 03.06.2024 raising grievances against the informant.

5. It is submitted that before the registration of FIR and when the informant appears to have raised the very grievance that led to registration of FIR, on 02.09.2023 and 06.06.2024, the concerned Police Officer of the said police station had issued summons to the applicant. She had responded to the said summons and produced documents before the Police, which are annexed to the present application, in order to clarify her position in the matter. It is submitted that in this backdrop, when the applicant had co-operated with the enquiry and the applicant is a woman having children, this Court may consider granting relief, as the applicant undertakes to continue to co-operate with the investigation.

6. In response to a particular submission made by the learned APP with regard to a money trail, wherein it is alleged that a part of amount was transferred from a fake account of the informant, allegedly created in the context of the said document executed on the basis of impersonation, it is submitted that all the relevant material can be placed before the investigating officer and even before this Court, if necessary, to explain the stand of the applicant.

7. On the other hand, the learned APP submitted that serious allegations have been made in the statement leading to registration of FIR, which includes that the applicant facilitated impersonation of the informant, leading to registration of a document, part consideration of which found its way to a fake account of the informant, created by the accused persons. It is submitted that an amount of ₹ 8,70,000 from the aforesaid fake account was transferred into the account of one Vilas Patil on 01.07.2022 and on the very same day, it stood transferred into the account of the applicant. It is submitted that the statement of the co-accused Indra Pandey, which indicates the role of the applicant, has to be appreciated in the context of the aforesaid money trail, as the applicant can clearly be said to be a beneficiary under the tainted transaction. It is submitted that granting relief to the applicant at this stage, would hamper the investigation.

8. This Court is of the opinion that in the light of the aforesaid material that has come on record, it would be appropriate to keep this application pending, while directing the applicant to join the investigation.

9. Undoubtedly, the applicant will have to explain as to how a part of the consideration concerning the said tainted transaction, found its way to her

account, but, it cannot be ignored that the applicant indeed appeared before the concerned Police Officer of the said police station, in response to summons dated 02.09.2023 issued to her, even before the registration of FIR on the very same grievance raised by the informant, which eventually led to registration of FIR. The learned APP has brought to the notice of this Court the statement dated 03.09.2023 of applicant recorded in response to aforesaid summons dated 02.09.2023. A specific assertion is made on behalf of applicant that even with regard to the subsequent summons dated 06.06.2024, also issued before registration of FIR on 17.07.2024, she had responded and appeared before the concerned Police Officer. It will have to be examined as to what steps the Police took, in the light of the information divulged by the applicant in the aforesaid statement dated 03.09.2023.

10. *Prima facie*, it can be said that when the enquiry was initiated by the Police in the present case, the applicant appears to have co-operated and appeared before the concerned Police Officer alongwith the documents. It is claimed that the very same documents form part of the application. The said documents indeed show that on 14.10.2020, the applicant had issued a legal notice to the informant, stating her version of interaction and transaction between the two. Thereafter, she lodged complaints with the EOW and the very same police station, but it appears that no follow-up action was taken in that regard.

11. In such a situation, when the applicant is admittedly a woman and *prima facie*, it appears that she did respond to the summons issued by the Police and appeared before the concerned Police Officer, interim relief can be granted, subject to the applicant appearing before the investigating officer and co-operating with the investigation.

12. In view of the above, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicant is arrested in connection with FIR No.0189 of 2024 dated 17.07.2024, registered at Khandeshwar Police Station, District Navi Mumbai, she shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court.

(b) The applicant shall appear before the investigating officer on 19.10.2024 and 21.10.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer.

(c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. She shall co-operate with the investigation.

(d) The applicant shall produce all documents in her possession, as may be demanded by the investigating officer, including bank account statement and explanation for the abovementioned alleged money trail concerning the tainted transaction that forms the basis of registration of FIR.

13. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

14. List for further consideration on 12.11.2024 High on Board.

(MANISH PITALE, J)

Priya Kambli