

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

Anticipatory Bail Application No. 3221 of 2024

Sheela Madhav Palladwar

Aged 70 years, Indian Inhabitant,

Residing at Anupama Villa, C Wing,

4th Floor, Flat No.C/12, Kurla West,

Mumbai 400 070

... Applicant

versus

i) The Senior Inspector of Police

Nizampura Police Station, Bhiwandi

ii) The State of Maharashtra

... Respondents

Mr Kushal Mor, a/w. Mr Vaibhav Hari, i/b. Ms Sangita Gawale,
for the applicant.

Ms Supriya Kak, APP, for the respondents/ State.

PSI JD Mhaske, Nizampura Police Station, is present.

Coram: R.N. Laddha, J.

Date: 27 November 2024.

P.C.:

The applicant, accused of committing offences punishable under Sections 406, 420, 467, 468 and 471 read with 34 of the Indian Penal Code, bearing CR No.184 of 2017, registered at Nizampura Police Station, Thane, has preferred this application seeking pre-arrest bail.

2. The prosecution alleges that the applicant, in collusion with the co-accused, cheated the informant and others by inducing them to pay Rs.55,00,000/- by falsely promising jobs in the Public Works Department and issuing forged orders and appointment letters.

3. Mr Kushal Mor, the learned Counsel appearing on behalf of the applicant, contends that there is an unexplained delay of 6 years in lodging the crime as the alleged incident occurred between 2007 and 2011, and the offence was registered in 2017. The ingredients of the sections invoked do not apply to the applicant (accused No.3) as the only allegation against her is of allegedly accepting the money at the behest of accused No.2. The learned Counsel submits that the applicant is 71 years old and has been falsely implicated in the crime. Further, the co-accused have already been released on bail, and a charge sheet has been filed against them. The investigation has concluded, and nothing remains to be recovered or discovered. The applicant is willing to comply with any conditions set by this Court.

4. Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondents/ State, submits that the offence is

serious as the applicant accepted the funds at the behest of the co-accused. If the applicant is granted pre-arrest bail, she may tamper with the evidence or influence the witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. From a cursory reading of the FIR, it appears that this false recruitment scheme was orchestrated by the co-accused, who accepted the alleged funds by promising jobs in the Public Works Department. The role attributed to the applicant is limited to receiving the delivery of the alleged cash at her residence at the instance of accused No.2. The fact that the applicant is the wife of accused No.2, and she was not present at the scene nor she induced the informant when the alleged funds were demanded is not contentious. The records do not suggest that the applicant made any false representation to the informant so as to deceive him. Furthermore, there is nothing on record to indicate that at the time of allegedly accepting the amount, the applicant was aware of the accused No.2's dealings. That apart, there has been a significant delay of about six years in reporting the crime as the alleged incident occurred between 2007 and 2011, and the FIR was lodged only in 2017. Moreover, the co-accused, who appear to be the linchpin of the

offence, have been released on bail, and a charge sheet has been filed against them. In this backdrop, I am inclined to exercise discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.184 of 2017, registered at Nizampura Police Station, Thane, she shall 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 indulge in any activity that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)