



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.573 OF 2024

(Pallavi Kamlesh Jawalikar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.K. Madane, Advocate for applicant.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 29, 2024.

Apprehending the arrest at the hands of police, in connection with Crime No.459/2024 registered with Police Station Sadar, Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the informant Shubham Jagdish Nebhnani alleging that he is doing the business of JCB and his marriage was settled, and therefore, he was in need of some gold. He met complainant through one mediator and the present applicant informed him that she will make available the gold at a lesser price. Thereafter on two occasions by obtaining the money from the complainant she handed over 5 grams gold biscuits to the informant and regain the trust of the informant. Thereafter on 08/05/2024 she has obtained Rs.18,00,000 from the informant and promised him for handing over the gold

but neither she hand over the gold nor the money. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the money transaction is concerned which is with the mediator and not with the present applicant. As far as the custodial interrogation is concerned which is not required. Moreover, the alleged offences are punishable up to seven years imprisonment, and therefore, the custodial interrogation of the present applicant is not required, and therefore, she be protected by granting ad-interim anticipatory bail.

4. Learned APP strongly opposed the application and submitted that the investigation papers discloses that similar type of the offences are registered against the present applicant. She has obtained the money from the informant. The WhatsApp chat also links her with the alleged offence. Considering that three offences are registered against the present applicant in similar way. The discretion cannot be used in her favour. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that similar nature of three offences are registered against the present applicant. The *modus operandi* alleged in the two other offences is similar that the amount was obtained from the various persons by promising them that

she will provide the gold at a lesser amount and thereafter the persons were duped. Though notice under Section 41 is issued to the present applicant but as she is not residing on the given address and she appears to be absconding, therefore, said notice could not be served. It further appears that considering the various statements of the witnesses and the criminal antecedents, her custodial interrogation is required to ascertain the manner in which she has committed this offences. Admittedly, the offences punishable under Section 420 and 406 of IPC are punishable with less than seven years of imprisonment but considering the reasons mentioned in the reply and considering the investigation papers, it reveals that the custodial interrogation of the present applicant is required. Moreover, she is absconding. In view of that, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*