



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 808 OF 2023

Mrs. Priyanka W/o. Dhiraj Verma

..VS..

State of Maharashtra through P.S.O., P.S. Khamgaon City, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.G. Joshi, Advocate for applicant.

Mr. A.R. Chutake, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JANUARY 11, 2024

By this application the applicant is seeking pre-arrest bail in connection with Crime No.672/2022, registered with Police Station Khamgaon City, District Buldhana for an offences punishable under Sections 406, 420, 483 read with Section 34 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of Police as accusation is made against her and other co-accused on the basis of report lodged by Gunjan Aatish Verma wherein, she has alleged that the applicant is her cousin sister and applicant had introduced her to the co-accused Roshan Budhwani. The complainant believing on the applicant had given all her jewellery to the co-accused Rosham Budhwani and she was cheated by the applicant and the co-accused.

3. The learned Counsel for the applicant Mr. Joshi submitted that from the recitals of the First Information Report(FIR), it reveals that present applicant is also one of the victim at the hands of said Roshan Budhwani as said Roshan Budhwani has obtained the golden ornaments from the present applicant. As far as the allegations against present applicant is concerned is only to the extent of introducing the informant with Roshan Budhwani and giving assurance on behalf of said Roshan Budhwani. Thus, as there is no allegations that the applicant has obtained any gold from the informant, nothing is to be recovered from the applicant, she has co-operated with the investigating agency by attending police station, in view of notice issued under Section 41A of the Code of Criminal Procedure, therefore, she be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the present applicant and other co-accused in furtherance of their common intention obtained the gold ornaments and said gold ornaments are yet to be recovered. However, he fairly submitted that the applicant had attended the police station and co-operated with the investigating agency.

5. On perusal of the recitals of FIR and the investigation papers, the only allegations against the present applicant is that she had introduced the informant with the co-accused and give assurance on

behalf of the co-accused. Considering there is no allegations that any golden ornaments were handed over to the present applicant therefore, question of recovery does not arise. Moreover, from the statement of the learned APP it reveals that she has already co-operated with the investigating agency. In view of that she can be protected by granting anticipatory bail.

6. Accordingly, I proceed to pass following order :

- (i) The Criminal Application is allowed.
- (ii) In the event of arrest, the applicant Mrs. Priyanka W/o. Dhiraj Verma is released on anticipatory bail in connection with Crime No.672/2022, registered with Police Station Khamgaon City, District Buldhana for the offences punishable under Sections 406, 420, 483 read with Section 34 of the Indian Penal Code, on executing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate the investigating agency.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness who are acquainted with the facts of the case.

- (v) Applicant shall furnish her cellphone number and address with address proof along with names of her two relatives and their address proof.

The Criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Kirtak