

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1776 OF 2024

Tejas S/o Praful Shah	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Ashok Sarogi, Advocate for the Applicant.

Mr. Nitin B. Patil, APP for the State.

Mr. Vinod Deshmukh, Legal Aid Advocate for Respondent No.2.

Mr. Gavandi, PSI, Malad Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 5 FEBRUARY 2025

P.C.:

1. The present Application is filed by the Applicants under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail in respect of C.R. No.524 of 2024, dated 21 June 2024, registered with Malad Police Station, District Brihanmumbai under Sections 406, 420, 465, 468 of the Indian Penal Code.

2. It is the case of the prosecution that she resided with her husband from the year 2004 to 2021. In the year 2021, they obtained a divorce, which was only on paper, as her husband continued to reside with her. However, in the year 2022, the Husband, who is the Applicant herein,

drove her out of the house. During her stay with her husband, he obtained her signature on certain blank papers. So also during the said period he was also handling the Informant's bank account at Kotak Mahindra Bank and he also withdrew a sum of ₹1,50,000/- by forging the Informant's signature at the State Bank of India. In fact, the husband/Applicant had opened the bank account by forging the Informant's signatures. In the said bank account, the registered mobile and email ID belonging to the husband were registered. He submitted in the income tax returns the account of Kotak Mahindra Bank and tax used to be refunded in the said account. That amount he used for his own purposes, causing financial loss to the Informant. Hence, the Applicant/Accused has committed cheating, fraud, and forgery.

3. On 17 July 2021, a consent divorce decree was passed. Thereafter, the Informant filed an Appeal before this Hon'ble Court challenging the said divorce decree. When the matter was argued before this Court, The Appeal was withdrawn with liberty to approach the Family Court. Based on this order, the Informant as filed before the Family Court application challenging the consent divorce decree, on the ground that it has been obtained by a false report. The present F.I.R. has been lodged, alleging cheating, fraud, and forgery committed by the Applicant. The Anticipatory Bail Application was filed before the Sessions Court,

Dindoshi by the Applicant. However, by an order dated 27 June 2024, the said Anticipatory Bail Application was rejected. Hence, the present Anticipatory Bail Application has been preferred.

4. This Court, by its order dated 13 November 2024, directed the Applicant to cooperate with the investigation, surrender his mobile phone and refund an amount of Rs.2,00,000/-. It is submitted before me today that the Applicant has complied with Courts direction by depositing an amount of Rs.2,00,000/- with the concerned police station and handing over his mobile phone to the police. The learned APP, on instructions of the Investigating Officer, submits that the mobile phone has been handed over to the police and the amount deposited by the Applicant has been handed over to the Informant.

5. Mr. Deshmukh, Legal Aid appointed Advocate for Respondent No.2 submits that the Informant is staying with her parents, while the children (daughter 17 years old and son 8 years old) born out her marriage with the Applicant are staying with their father, i.e., Applicant.

6. The learned APP submits that the investigation is completed and as of today it is informed by the Investigating Officer, the custody of the Applicant would not be necessary.

7. Taking into consideration the above facts, according to me, *prima facie* case is made out by the Applicant to grant anticipatory Bail on the

following condition:-

ORDER

- (a) **The anticipatory bail application is allowed.**
 - (b) In the event of arrest of Applicant in connection with C.R. No. 0524 of 2024, dated 21 June 2024, registered with Malad Police Station, Applicant shall be released on bail till the filing of the charge-sheet on furnishing P.R. bond to the extent of Rs. 30,000/- with one or more sureties of the like amount.
 - (c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station, as and when called.
 - (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
 - (e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
6. In view of the above, **the present Anticipatory Bail Application is disposed off.**

(RAJESH S. PATIL, J.)