

Amberkar

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

**ANTICIPATORY BAIL APPLICATION NO. 179 OF 2025**

Chitra Kunal Ghaste

.. Applicant

**Versus**

State of Maharashtra & Anr.

.. Respondents

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- Mr. Veer Kankaria for Applicant
- Mr. Hitendra J. Dedhia, APP for State
- Ms. Ritika Chamaria for Intervener
- Mr. Somnath Deshmane, API, N.M. Joshi Marg Police Station is present

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**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 21, 2025**

**P. C.:**

**1.** Heard Mr. Kankaria, learned Advocate for Applicant; Mr. Dedhia, learned APP for State and Ms. Chamaria, learned Advocate for Intervener.

**2.** Applicant - accused No. 2 has filed the present Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") in connection with Crime No. 688/2024 registered with N.M. Joshi Marg Police Station, Mumbai under Sections 408, 420 & 34 of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**").

**3.** I have already permitted the complainant represented by Advocate Ms. Chamaria to present her case. Complainant in the

present case is a Book Publication House which has filed the complaint dated 12.12.2024 alleging that Applicant in connivance with accused Nos. 1 and 3 was instrumental in procuring books from the Publication House and not paying the entire compensation / price thereof. According to the complainant as informed by her Advocate, an outstanding amount of Rs. 26,49,487/- remains to be paid by the school to the Publication House. The school in question appears to be an International School run by Jumma Masjid Charitable Trust. Though initially an objection is taken by complainant's Advocate that accused No. 2 was not authorized to deal on behalf of the school, that objection stands overruled in view of the fact that admittedly she was appointed as a "Principal" according to complainant's Advocate for a period of 11 months during which the said orders / invoices were raised and books were delivered and part amount of Rs. 22.27 Lacs was received by the Publication House.

4. *Prima facie* reading of the complaint shows that the school purchased different books for its students for an amount of Rs. 47,92,041/- and remission of payment thereof has been made partially i.e. to the tune of Rs. 22,27,485/-. Balance is outstanding. Simplicitor on the basis of this fact invocation of criminal action is not warranted. Nevertheless complainant has thought it fit to file a criminal complaint under Section 420 read with other Sections of IPC. Custodial

interrogation of the Applicant in the present case is not at all required. An e-mail sent by complainant Publication House to the Applicant before me is appended at page No. 56 which clearly clinches the issue. The complainant Publication House does not blame the Applicant at all and in fact certify and confirm that she is not involved in any malpractices or the theft of the books from the school campus. However what is intriguing is the fact that despite the complainant having several meetings with the school and here it needs to be clarified that the same are with the trustees of the school, no grievance is expressed against the Applicant by the complainant. This email is sent on 09.01.2024 which is prior to filing of the FIR. Be that as it may there is one more issue which has been brought to my notice by Mr. Dedhia, learned APP. He would submit that the amount of Rs. 22,27,485/- has been paid by the Applicant from her own personal account. To this answer given by learned Advocate for Applicant is that the books were given to the students and the entire money was collected from them and paid by the Applicant from her account after depositing it in her account. Three cheques were issued by the Applicant. I do not find any wrong in what learned Advocate for Applicant has stated before me. In any event custodial interrogation of the Applicant is not at all required in such a case. In that view of

the matter, Applicant is granted pre-arrest bail on the following terms and conditions:-

**ORDER**

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 5,000/- (Rs. Five Thousand Only) with one or two sureties in the like amount;
- (ii) Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iii) Applicant shall attend the Police Station as and when called for by the investigating officer. Investigating Officer is directed by this Court to call the Applicant for investigation only on Sundays between 10:00 a.m. and 12 noon as the Applicant is working in a school as Principal of that school. Investigating Officer shall give advance notice to the Applicant so that Applicant can participate and coopeartate in the investigation;
- (iv) Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from

time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

5. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

6. Application is allowed in the aforesaid terms and is accordingly disposed of.

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[ MILIND N. JADHAV, J. ]

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by RAVINDRA  
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