



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.619/2025

ABHA MANOJ PANDEY

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Ramesh Tripathi a/w Shruti Tripathi & Animesh Kashyap i/b
Ramesh Tripathi & Associates for the Applicant.

Adv. Anand S. Shalgaonkar, APP for the State.

API, Ashok Damale, APMC Police Station.

Mr. Varinderpalsingh Chahal, Coimplainant present in-person.

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CORAM : RAJESH S. PATIL, J.

DATED : MARCH 25, 2025

P.C.:

1. The applicant is seeking pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. R. No.227/2022 registered with APMC Police Station for the offences punishable under Sections 420, 408 r/w 34 of the Indian Penal Code, 1860.

2. Based on the complaint of the first informant, an FIR has been lodged. In the FIR, the role of the husband of the present applicant has been specifically mentioned.

3. It is the case of the prosecution that at the time of recording statement for investigation, they revealed the name of the present applicant and hence, she has been added as accused in the

charge-sheet. The charge-sheet against both the accused have been filed. It is further case of the prosecution that while, the bail application of the husband of the present applicant was argued before the Single Judge of this Court (Coram : Bharati Dangre, J.) on 30 September, 2022, the statement of the husband of the present applicant has been recorded that he had already paid a sum of Rs.8,98,000/- to the informant and the balance amount of Rs.63,00,000/- will be deposited within a period of three months. A sum of Rs.40,00,000/- was already deposited by the husband of the applicant. However, the balance amount of Rs. 23,00,000/- was not deposited. Therefore, the protection granted to the husband of the present applicant was revoked by order dated 15 October, 2024 (Coram : R. N. Laddha, J.).

4. The learned counsel for the applicant submits that the husband of the present applicant was arrested on 15 January 2025, and is still today behind bars. It is submitted by the applicant that she is a housewife and she does not understand anything about the business. She has barely studied till 5th standard. Due to the mental trauma of her husband being arrested, the entire family has suffered. Her son who was supposed to appear for his 10th standard examination, appeared only for one paper and thereafter due to his mental conditions being affected by his father being arrested, he was not attended the rest of the papers of the 10th standard examination and he is at present in Deepak

Hospital at Kamothe. As regards the two daughters of the applicant, the elder daughter was studying in first year B.com and the youngest daughter was in school she is aged 8 years, both of them have left their studies due to the financial conditions and at present at home.

5. I have gone through the contents of the FIR. The FIR does not contain the name of the present applicant. As regards the allegations being made by the prosecution and the first informant that amounts were transferred by the husband of the applicant in her account, the learned APP was not able to show me any such documents like the bank statements. From whatever was shown to me, it could be gathered that paltry sum was paid by the husband to the applicant.

6. Taking into consideration the fact that the applicant is a lady whose husband is behind bars from 15 January 2025 and her two daughters and one son are severely affected due to their father being behind bars and mother, who is barely studied till 5th standard, is not able to support them. Taking these facts into consideration and the fact that there is no document on record to show the role played by the present applicant in the crime, neither the first informant could show something from the present FIR that the present applicant has participated in the crime as registered. Hence, at their *prima facie* stage, I am of the view that the present anticipatory bail application needs to be allowed. Hence, I pass the following order.

ORDER

(i) **Anticipatory Bail Application is allowed.**

(ii) In the event of arrest in connection with C.R. No. 227/2022 registered with APMC Police Station, Navi Mumbai the applicant shall be released on bail on furnishing P.R. bond to the extent of Rs. 30,000/- (Thirty thousand only) with one or two sureties in the like amount.

(iii) The applicant shall attend and meet the investigating officer of the concerned police station as and when called for.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the facts to Court or any police officer.

(v) The applicant shall furnish her contact number, and residential address to the investigating officer and if there is any change she shall inform the investigating officer.

7. **Anticipatory Bail Application is accordingly disposed off as allowed.**

(RAJESH S. PATIL, J.)