



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 824/2025

KHUSHBOO VILAS UTEKAR @
KHUSHBOO SHAMIK KOTAIN
VS
THE STATE OF MAHARASHTRA

...APPLICANT

...RESPONDENT

...
Adv. Umesh Borade for the Applicant.
Adv. Supriya Kak, APP for the Respondent State.

...

CORAM : RAJESH S. PATIL, J.
DATED : MAY 6, 2025

P.C.:

1. By this application, the applicant named above seeks anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection to C. R. /F. I. R. No. 518 of 2024 registered with Dadar Police Station for the offences punishable under 318(4), 336 (2) & (3), and 338 of the Bharatiya Nyaya Sanhita, 2023.

2. In the present applicant is accused in an offence registered against her under Section 318(4), 336 (2) & (3), and 338 of the Bharatiya Nyaya Sanhita, 2023. The present applicant was working on contract basis with the State Government's "Haffkine Corporation." During the said period, she developed good relations inside Haffkine Corporation, pursuant to which, it has been alleged that she has issued fake appointment letters to the various persons. Accordingly, the

complaint was filed against the present applicant.

3. The learned counsel for the applicant submitted that the present applicant has already settled the matter with 10 people by paying sum of Rs. 24 lakhs to them. It is further submitted that now, the amount due to 4 victims is around Rs.15,97,000/-. It is further submitted that the applicant has co-operated with the police. Therefore, the custody of the present applicant is not necessary.

4. The learned APP has pointed out that the investigating officer needs to find out that the present applicant has cheated how many more people, since, there are at least 3 antecedents reported against the applicant of similar kind of offence committed by the present applicant and she has been granted bail in one of the crime. She further submits that a lady by name of Sayali Gorate had collected monies from the persons, who are desires of joining services with Haffkine Corporation and after collecting said amount, a sum of Rs. 24 lakhs was desposited in the bank account of the present applicant.

5. According to me, once the applicant is not able to justify, how she has accepted a sum of Rs. 24 lakhs from individuals. And if there is an allegation against the present applicant that she promised the public at large that she would give them jobs in the Haffkine Corporation which is a Corporation run by the State Government of

Maharashtra, then she has to justify the police how many more such offences she has committed since, there is an allegations that she has issued fake appointment letters of service in Haffkine Corporation to many individuals.

6. The learned APP submits that whenever the present applicant is called for the purpose of investigation by the investigating officer, she has given threats to the police that she will commit suicide if the police keep on calling her.

7. In my view, considering the nature of allegations in the FIR and the conduct of the present applicant, who had received a sum of Rs.24 lakhs from the various people, it will be necessary for the police to interrogate the present applicant for the purpose of completing the investigation.

8. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“12..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or

1 2022 SCC Online SC 1529

overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

9. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

10. Considering the law laid down by the Supreme Court and the facts narrated in the FIR, the anticipatory bail application of the applicant needs to be rejected. Hence, **anticipatory bail application stands rejected.**

(RAJESH S. PATIL, J.)

² AIR OnLine 1997 SC 797