

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 993 OF 2025

Tanvi Nikhil Gupta

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Paras Oza i/by Anshuman Yadav for the Applicant.

Mr. M. S. Sonavane, APP for State.

Mr. Vinayak D. Ahire, API, Wagholi Police Station is present.

CORAM : ADVAIT M. SETHNA, J.
DATE : 13 MAY 2025
(VACATION COURT)

P.C.:

1. This is an Anticipatory Bail Application filed on behalf of the applicant, who apprehends arrest. An FIR dated 15 January 2023 in CR No.51 of 2025 lodged at 1:23 hours for offences under Sections 316(2), 316(3), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. According to the FIR, the date of occurrence of the alleged offence is between 28 October 2024 to 19 November 2024.

2. With the assistance of the learned counsel for the parties, I have perused the FIR. I have also perused the order passed by the Judicial Magistrate First Class, Pune dated 12 February 2025 in a Bail Application

filed in CR No.51 of 2025 by the husband of the present applicant Mr. Nikhil Gupta as also the order dated 24 March 2025, passed by Additional Sessions Judge, Pune rejecting the Anticipatory Bail Application of the present applicant in CR No.51 of 2025. It is in such circumstances that the applicant has approached this Court seeking for certain urgent reliefs including the *ad-interim* reliefs as prayed for in the application.

3. Mr. Oza, learned counsel for the applicant has taken me through the FIR. He would mainly contend that there is no role attributed to the applicant as far as the principal offence of theft is concerned. Resorting to the FIR, he would point out to several inconsistencies during the investigation. Pertinently in this regard, he would submit that the alleged recovery of the gold is to the extent of Rs.23 lakhs as stated in the FIR. However, the order of the Sessions Court, Pune rejecting the anticipatory bail records an amount of Rs.45 lakhs towards the stolen gold. According to him, this is a glaring inconsistency in the investigation as apparent from the FIR which therefore cannot be ruled upon. He would then submit that the applicant is a housewife. She is currently not working. Her husband, who is the accused No.1 is already enlarged on bail by the order of the Judicial Magistrate First Class, Pune on 12 February 2025, in respect of the common FIR registered in the same CR. In such view of the

matter, similar treatment should be meted out to the applicant and there is no reason as to why she should be treated differently.

4. Mr. Sonavane, learned APP on the other hand vehemently opposes the Anticipatory Bail Application. He would urge that the FIR ought to be read fully as a whole and not in piecemeal. A complete reading of the FIR would clearly point out the role of the applicant as far as the alleged offences, mainly that of theft along with the other offences. According to him, there are certain admissions as noted in the FIR which would clearly point the role of the present applicant, which cannot be overlooked at this stage. He would also submit that the applicant has not cooperated during the investigation.

5. I have heard learned counsel for the parties and with their assistance perused the record as placed before the Court. The applicant is a housewife. Her husband, who is also the co-accused i.e. accused No.1 in the alleged offence has been enlarged on bail by an order of the Judicial Magistrate First Class, Pune dated 12 February 2025, which holds the field. The husband is also accused as accused No.1 in the said FIR in the CR No.51 of 2025. It is not in dispute that both of them had entered the house of the first informant/complainant on 28 October 2024, pursuant to

which the said FIR was registered. It is the case of the applicant that the said FIR is a deliberate counterblast of the complaint of the applicant against the original complainant, inter alia, for offence involving sexual assault, extortion etc. under Sections 376(4), 384 of the Indian Penal Code, for which an FIR was registered on 14 December 2024. There appears to be some connection with the two FIRs that needs further consideration. Prima facie it appears that the subject FIR dated 14 January 2025 was lodged after some delay which the applicant would attribute to an afterthought, that requires further deliberation.

6. The applicant's bail application was rejected by the Sessions Court, Pune by an order dated 24 March 2025. Thus, the applicant is not under any protection from any Court at this stage. It is submitted that the applicant has no criminal antecedents. Mr. Oza, learned counsel for the applicant would submit that the applicant has deep roots in the society and thus not likely to flee from justice.

7. In the given facts and circumstances, in my *prima facie* opinion, the applicant needs to be protected, particularly in the light of the fact that the accused No.1 has been granted bail when the allegations against both the accused persons and the offences alleged against them

arise out of the common FIR dated 15 January 2025 in CR No.51 of 2025.

8. For the forgoing reasons, I am inclined to grant *ad-interim* protection to the applicant in terms of the following order:-

ORDER

- i. In the event of arrest of the applicant during the pendency of this application in connection with C.R. No.51 of 2025 registered with Lonikand Police Station, Pune for the offence punishable under Sections 316(2), 316(3), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- ii. The applicant shall co-operate with the investigation and attend the Wagholi Police Station, Pune on Monday of every week at 11.00 a.m. till further orders are passed on this application.
- iii. The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police

station. If there is any change in the contact details, the same will be immediately informed to the concerned police station.

iv. The applicant shall not leave the jurisdiction of the Court without prior permission of the Court.

v. The *ad-interim* order will operate till the next date of hearing.

9. In the given facts and circumstances, Mr. Oza, learned counsel for the applicant assures the Court that the applicant shall fully cooperate with the pending investigation.

10. List the matter for further consideration on 30 June 2025.

[ADVAIT M. SETHNA, J.]