IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2108 of 2025

Deepika Harshal Gala
Age: 27 yrs, 275, Mani
Bhavan, Dr Babasaheb Jaykar
road,Thakurdwar Mumbai-400 002. … Applicant.
Vs.
The State of Maharashtra
Through Khar Police Station … Respondent.

Mr Ankit Takle for the applicant.
Mr SV Walve, APP for the respondent / State.
API Gokul Bhoi, Khar Police Station, Mumbai.

Coram : R.N.Laddha, J.
Date : 30 July 2025.

P.C. :

The applicant, who apprehends arrest in connection with CR No.560 of 2025, registered at Khar Police Station, Mumbai, for offences punishable under Sections 316(4) and 318(4) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the applicant, employed as a clerk at the Bandra Hindu Association High School since November 2018, was entrusted with the

responsibility of collecting school fees from the students. In January 2025, it came to light that the applicant had misappropriated the fees worth Rs.29,98,140/- collected from the students for the academic years 2023 to 2024 and 2024 to 2025, thereby cheating the institution.

3. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the applicant did not have any access or control over the school's bank accounts or financial management systems. Due to technical failures of the banking servers, the principal and the institution's management verbally authorised the applicant to receive fees through UPI. The applicant reimbursed the school in cash transactions, which were duly recorded and acknowledged by the competent authorities. The school management confiscated the documentation in this regard. The alleged discrepancies are solely attributable to the school's negligence and errors. The learned Counsel further submits that the applicant has attended the concerned Police Station and cooperated with the investigation. The applicant is ready to abide by any conditions imposed by this Court if

granted pre-arrest bail.

4. The learned Additional Public Prosecutor representing the respondent/ State opposes the applicant's request for pre-arrest bail and contends that the offence is of a serious nature. He submits that the students' parents either paid the school fees to the applicant in cash or transferred the funds into her bank account. In response, the applicant acknowledged receiving the fee payments on behalf of the institution but did not forward the collected funds to the school's bank account. The learned APP further submits that the applicant executed an undertaking to repay the accepted funds with her husband and one Dinesh standing as guarantors. The applicant is a direct beneficiary of the funds. The investigation is at a nascent stage, and the applicant's custody is necessary to ascertain the money trail and identify the persons involved in the crime. If granted pre-arrest bail, the applicant may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine SC 282.*

7. It is an undisputed fact that the applicant was employed as a clerk at the Bandra Hindu Association High School, where she was entrusted with the responsibility of collecting school fees from students. It is also admitted that the applicant received this fees both in cash and through online transactions directly into her personal bank account.
Additionally, available records reveal that the applicant voluntarily undertook to return the said amounts, with her husband and one Dinesh acting as guarantors. There are specific and direct allegations against the applicants. There is sufficient material available on record to show that the applicant has received the alleged amount. The investigation

is at a nascent stage, and releasing the applicant at this stage would hinder the course of an effective investigation. Furthermore, the applicant's custody would be necessary to uncover the fraud in its entirety and the money trail.

8. In these circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]