



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3575/2024

MEHAK AMAN CHOCHAN
@ MEHAK SINGH
VS
THE STATE OF MAHARASHTRA

...APPLICANT
...RESPONDENT

WITH
INTERIM APPLICATION NO.101/2025
IN
ANTICIPATORY BAIL APPLICATION NO.3575/2024

ALOKKUMAR VIJENDRA AGARWAL
IN THE MATTER BETWEEN
MEHAK AMAN CHOCHAN
@ MEHAK SINGH
VS
THE STATE OF MAHARASHTRA

...INTERVENER
...APPLICANT
...RESPONDENT

...

Adv. Milan Desai a/w Rohan K. Naidu & Sandeep Sharma for the Applicant.
Adv. Rutuja A. Ambekar, APP for the Respondent State.
Adv. Bakul Bosale for the Intervener.
PSI Mr. Desai, Dindoshi Police Station.

...

CORAM : RAJESH S. PATIL, J.
DATED : APRIL 1, 2025

P.C.:

INTERIM APPLICATION NO.101/2025 IN ANTICIPATORY BAIL APPLICATION NO.3575/2024 :-

1. The interim application has been filed by the first informant

to permit him intervening the anticipatory bail application.

2. For the reasons mentioned in the interim application, the interim application is allowed in terms of prayer clause (a).

3. **The interim application is disposed off accordingly.**

ANTICIPATORY BAIL APPLICATION NO.3575/2024 :-

1. The present anticipatory bail application is filed by the Applicant under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for anticipatory bail in connection with the C.R. No.897 of 2024 registered with Dindoshi Police Station for offences punishable under Sections 305 (a) of The Bharatiya Nyaya Sanhita, 2023.

2. As per the complaint filed, an FIR has been lodged. The role of the present applicant has been specifically mentioned in the FIR.

3. The learned counsel for the applicant submits that in the alleged incident, the prosecution has made six persons as accused. Five of the accused are behind bars, including the husband of the present applicant. He submits that the present applicant is a mother of two children aged 9 years and 11 years. Her husband has been falsely implicated in the alleged incident and is behind bars from 4 November 2024. The daughter of the first informant is also an accused and even, she is behind bars. He submits that there is no role of the present applicant in the crime.

4. He handed over a copy of the order dated 29 March, 2024 passed by the Sessions Court in regular bail application of the husband of the present applicant. As regards the paragraph nos. 18 and 19, there has been mention about the C.C.T.V. footage. The contents of the said paragraphs does not show that the present applicant was involved in the bag being handed over to her. The said paragraph nos. 18 and 19 reads as under :

“18. Ld. Advocate for the applicant has requested this Court to see the C.C.T.V. footage. Therefore, today I called Pen Drive for verification of C.C.T.V. footage. I applied the Pen Drive to the Computer of this Court and seen the C.C.T.V. footage saved in the name of Balaji footage Mehak.mp4. The said footage there is mentioned date 28.10.2024 time 19.31 p.m.. The footage shows that initially one man alongwith one hand bag in his hand and one sack on his shoulder came out. Thereafter one lady and one boy followed him. They all came out, one car was there, one lady came out from car. At that time the person who was having one hand bag and sack on his shoulder kept the same in the car. Thereafter, the lady who came out of the car and 3 persons were fond chatting with each other and thereafter the person who was having hand bag and sack on his shoulder and the lady who came out from the car were found going towards the car.

19. Upon perusal of the C.C.T.V. footage panchanama it appears that, the person who was found going out holding one bag in his hand and one sack on his shoulder was the this applicant. The lady and the boy who help him were Ritu Singh and Mayank Singh. The lady who came out of the car was the wife of this applicant. This C.C.T.V. footage clearly shows that the person who came out was found keeping one hand bag and one sack in the car and thereafter that lady and this person were found going towards the said car. Thus, this C.C.T.V. panchanama shows that this applicant is the same person who was carrying hand bag and sack, keeping hand bag and sack in the car which has been came there from which one lady got down and she chatted with the persons standing therein. Thus, C.C.T.V. footage clearly shows that involvement of this applicant. Therefore, this submission of Ld. Advocate for the applicant does not appears to me believable.”

The applicant is ready to co-operate with the police. Therefore, the custody of the present applicant is not necessary in order to complete the investigation.

5. The learned APP and the learned counsel for the first informant submits that though the husband of the present applicant is behind bars, he is not co-operating. Therefore, gold worth of Rs.4.50 crores is not able to be found by the police. As per the statement of the husband of the present applicant, the said gold was melted. However, after melting of the said gold, where has the gold gone, has not been informed by the present applicant. The custody of the present applicant would be necessary in order to complete the investigation as the other accused persons are not co-operating. The husband of the present applicant can be seen from the C.C.T.V. footage carrying a bag. There are two other persons accompanied him. The said bag is kept by the husband of the present applicant in a car, which was driven by the present applicant. After the bag was kept in the car, the present applicant seems to have been introduced by her husband to the two other persons who had accompanied him. Thereafter, the present applicant drew away the car along with her husband and the bag. Therefore, she is a person, who is jointly in custody of the gold ornaments. Therefore, the custody of the present applicant is necessary.

6. I have heard the counsel for both the sides and have gone

through the documents produced on record.

7. As far as the role of the present applicant is concerned, is to a limited extent that her husband was put to custody of gold which was in a bag, from the accused Ritu, who is behind bars along with her brother. The said bag was carried by the husband of the present applicant to a car, which the present applicant was driving. The bag was kept in the car by the husband of the present applicant. Thereafter, the car was driven by the present applicant when her husband and her children were in the car. Thereafter, there is no mentioned of the role of the present applicant.

8. As per the learned APP, the statement of the husband of the present applicant was recorded, who mentioned that the said gold was melted. However, he does not further mentioned after melting the said gold, where the gold had gone. According to me, at this *prima facie* state, the prosecution is not able to show any document to the effect that the said gold was put in the custody of the present applicant. The applicant along with her children and her husband just drew the car from the place as mentioned by the prosecution to her house. The said bag was never handed to the present applicant. So also, nobody was able to prove at this stage that the said bag contained gold ornaments. Even the statement of the husband of the present applicant that, the said gold was melted. Thereafter, prosecution is not able to prove that

after melting, whether that gold was handed over to the present applicant.

9. The applicant is a mother of two children aged 9 years and 11 years. The husband of the applicant is already behind bars from 4 November 2024. Therefore, considering the documents on record of the case and the facts that the prosecution is not able to *prima facie* prove any material to show the involvement of the present applicant in the crime, according to me, this is a good ground to grant anticipatory bail application to the present applicant. Hence, I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R.No.897/2024 registered with Dindoshi Police Station, the applicant shall be released on bail, on furnishing PR. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall attend and meet the investigating officer of the concerned police station on 7/4/2025, 8/4/2025 and 9/4/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from

disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of her residential address, contact number and email address to the Investigating Officer.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. **The anticipatory bail application is disposed off as allowed.**

(RAJESH S. PATIL, J.)