



IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.2064 OF 2022

IN

(C.R.No.574/2022 of Vanrai Police Station)

Ms. Ankita Mohanbhai Chauhari,]
Hindu, Indian Inhabitant,]
Age 28 years, Occ : Nurse,]
Presently residing at Room No.4,]
Anthony Amma Chawl, Kajupada,]
Borivali (East), Mumbai.]
Having permanent address at Dungari]
Failyu, Kelkui TA Vyara, Kelkui, Tapi,]
Gujrat 394 630.] ...Applicant

Versus

The State of Maharashtra,]
(At the instance of Vanrai Police Station.)] ...Respondent

Ld. Adv. Vaibhav Parab for applicant.

Ld. APP Smt. Poornima Chauhan for the State/respondent.

CORAM : SHRI A.R. QURESHI
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.06.

DATE : 10th January, 2023.

ORAL ORDER

1. The applicant namely, Ms. Ankita Mohanbhai Chaudhari has moved this application under Section 438 of Cr.P.C. seeking directions to release her on Anticipatory Bail, in the event of her arrest in connection with Crime No. 574/2022, for the offences punishable under Sections 406, 420, 465, 468, 471 of Indian Penal Code, registered at Vanrai Police Station.

2. Read application, perused report of the I.O. vide Ex.2. Perused application, copy of FIR, copy of remand papers as also arrested accused Kedar Satam, Bela D'Souz and Girish Rao, copy of notice under Section 41(A)(1) of Cr.P.C. dated 22.12.2022 issued by Police Authority of Vanrai Police Station and copy of passbook of the applicant. .

3. Heard Ld. Counsel Shri Vaibhav Parab for applicant. He submits that applicant is innocent having committed no offence and no concerned about this case and he has been falsely implicated on doubt and suspicion. No custodial interrogation is required, hence, he submits to allow this anticipatory bail application. He further pointed out that in the FIR no name of the applicant is mentioned, on the other hand, FIR actually came to be registered against one accused Kedar Satam who has been already arrested. As nothing remains about discovery and recovery, hence, lastly submits to release the applicant on anticipatory bail.

4. I.O. P.I. Puri, Ld. APP Smt. Poornima Chauhan as well as complainant Sankey Agarwal in person have strongly opposed this anticipatory bail application and submitted to reject this anticipatory bail application.

5. Ld. APP Smt. Poornima Chauhan and P.I. Smt. Puri, I.O. of Vanrai Police Station submits that despite issuance of notice under Section 41(A)(1) of Cr.P.C., the said applicant Ankita did not have responded for inquiry purpose and she is avoiding and not available to make any inquiry. Hence, there is no co-operation from the applicant in investigation and inquiry. Hence, submitted that custodial interrogation of the applicant is required and submitted to reject anticipatory bail application.

6. **Hon'ble Supreme Court in the case of Jai Prakash Singh V/s. State of Bihar, AIR 2012 SC 1676** observed as under :

“Anticipatory Bail being an extraordinary privilege should be extended only in exceptional cases”. However, in the present case at hand, when there are allegations of cheating, fraud, forgery and misappropriation about Crores of Rupees, hence, in such circumstances, having regard to the nature of crime and allegations, I am not inclined to allow this anticipatory bail application. As such, this extraordinary privilege about Anticipatory Bail can not be extended. The custodial interrogation of the applicant is required for thorough investigation. In such circumstances, it is not a fit case wherein Anticipatory Bail can be granted to the applicant. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.2064/2022, filed by applicant Ms. Ankita Mohanbhai Chauhan, in connection with crime No. 574/2022, registered at Vanrai Police Station for the offences punishable under Sections 406, 420, 465, 468 and 471 of IPC is hereby rejected and disposed of accordingly.
2. Order pronounced in Open Court.
3. Proceeding closed.
4. Parties to act upon the copy of roznama duly authenticated by Court Sheristedar.

Dt. 10/01/2023

Dictated on : 10/01/2023
Transcribed on : 10/01/2023
Corrected on : 13/01/2023
Signed on : 13/01/2023

(A. R. Qureshi)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Uploaded on : 13/01/2023 at 06.30 p.m.	Name of the Stenographer P.S.Tare
Name of the Judge (with Court room no.)	HHJ A. R. Qureshi (C.R.No.6)
Date of Pronouncement of JUDGMENT/ORDER	10/01/2023
JUDGMENT/ORDER signed by P.O. on	13/01/2023
JUDGMENT/ORDER uploaded on	13/01/2023