



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

ANTICIPATORY BAIL APPLICATION NO. 2020 OF 2022

IN

(C. R. No. 1123 of 2022 of Andheri Police Station, Mumbai)

Mrs. Khushmeen Kaur Jagpreet Singh Kohli,
Adult, Indian Inhabitant,
Age : 40 yrs., Occupation : Unemployed,
R/o : Inderdeep Building , 396/2,
North Avenue Road, Santacruz W.
Mumbai : 400 054

..Applicant

V/s

The State of Maharashtra
(through Andheri Police Station)

..Respondent

Ld. Adv. Dharmendra Rohra, for the applicant.
Ld. APP P.K. Mahajan, for the State.

**CORAM : H.H. THE ADDITIONAL SESSIONS
JUDGE R.M. MISHRA
(C.R.NO.4)**

DATE : 26th December, 2022

ORAL ORDER

This is an application for the grant of anticipatory bail under section 438 of the Cr.P.C., in connection with C.R. No. 1123 of 2022 registered with Andheri Police Station, for the offence punishable under section 380 of the Indian Penal Code.

2 Perused application and say. Heard both sides

3 At the instance of one Jagpreetsingh Harjeetsingh Kohli aforesaid offence came to be registered.

The aforesaid informant is at present, residing at Room No. 7, Cereel Chawl, Dewolwadi, Sahar Road, Near Tarun Bharat Society, Andheri (E) along with his daughter. On 22/11/2022 he had lodged report that his wife is having illicit relations with two persons and on that day i.e. on 22/11/2022 his wife i.e. the applicant has taken away Gold and cash by committing theft from the locker and house of his mother. The informant also came to know from his daughter that his wife i.e. the applicant is intending to go to Dubai by carrying Rs. 60,00,000/- to Rs. 70,00,000/- and gold along with her daughter. When the informant went to the house of his mother and checked her locker, it was found that gold of around 2.5 lakhs and cash of Rs. 7,05,000/- are missing. Accordingly, report came to be lodged in the police station.

4 By this application, the applicant has contended that she is the wife of the first informant and their marriage was solemnized on 30/12/2001 as per the customs in their Sikh Community. The applicant is having daughter from the informant born on 24/05/2006. Since 01/11/2022, the applicant and the informant are staying separately. She is falsely implicated in this case. The applicant herself is the victim of the circumstances. She is ready to abide the conditions imposed by the court and also willing to co-operate the Investigating Agency. Therefore, the applicant prayed for her release on anticipatory bail.

5 Application is resisted by the prosecution vide say at Exh. 03 mainly on the ground that there is prima-facie evidence that the applicant has committed theft of money and ornaments from the house of the informant. In spite the notice under section 41(1)(A) of the Code of Criminal Procedure was served, the applicant remained absent. The applicant is intending to go to Dubai. There is possibility of disappearance of golden ornaments, cash and absconding of the applicant. There is theft of total muddemal worth Rs. 9,55,000/-. It is thus, contended that the application is liable to be rejected.

6 I have heard the submissions of the learned advocate for the applicant and the learned APP. I have also gone through the case diary and copies of documents filed by the applicant.

7 On behalf of the applicant, copies of WhatsApp Chats and copy of S.C. Suit No. 2505 of 2022 coupled with copies of bills, correspondence etc. came to be filed on record. The learned advocate for the applicant emphasized mainly on the averments in S.C. Suit No. 2505 of 2022 which is filed by the mother of the first informant against the first informant and his wife i.e. the applicant for permanent injunction. The learned advocate for the applicant submitted that the entire plaint is silent regarding the alleged theft committed by the applicant in the said house on the date of the alleged incident. He also submitted that audio recording about the conversation between the applicant and the first informant is given to the police. The applicant is ready to surrender her Passport in order to rule out the possibility of her absconding. There is no explanation as to why the complaint is not lodged immediately. It is, therefore, vehemently submitted by the learned advocate for the applicant that

the applicant is entitled for pre-arrest protection.

8 In the light of the respective submissions, I have carefully gone through the entire facts and circumstances on record. Upon careful consideration of the entire facts, it reveals that earlier the applicant and the first informant were residing in the house of the mother of the first informant at Shahid Bhagat Singh Co-operative Housing Society Ltd., J.B. Nagar, Andheri (E). Since 01/11/2022, the first informant and his daughter aged about 17 years are residing at Room No. 7, Cereel Chawl, Dewolwadi, Sahar Road, Near Tarun Bharat Society, Andheri (E). In the report itself, the informant has stated that the applicant is having illicit relations with two persons. The informant came to know about the theft committed by the applicant from his daughter. The dispute between the applicant and the first informant was going on since 27/10/2022. On 05/11/2022 the daughter of the informant told her grandmother that the applicant has taken away cash and gold from the locker and she is intending to go to Dubai. After the receipt of this information the informant went at the house of his mother and after checking the locker he found that gold ornaments along with cash of Rs. 7,05,000/- has been taken away by the applicant from the locker in the house.

9 So far as non-disclosure of the incident of theft in S.C. Suit No. 2505 of 2022 is concerned, it reveals that the said suit has been filed by the mother of the first informant against her son and daughter-in-law. In the said suit, she has also reiterated the allegations of illicit relations of the applicant with others. In para No. 21 of the plaint, specific allegations are made about the theft

committed by the defendant No. 2 from the cupboard of the plaintiff. All these circumstances clearly indicate that there is prima-facie evidence against the applicant about committing offence under section 380 of the Indian Penal Code. At this juncture, copies of WhatsApp chats are not sufficient for extending discretion in favour of the applicant. Another significant thing is to be taken into consideration is that the daughter of the applicant has also stated about the incident of theft of gold ornaments and cash by the applicant which cannot be ignored while deciding this application. Therefore, in my view, custodial interrogation of the applicant will be required to recover muddemal. In this view of the matter, following order is passed :

ORDER

- 1) Anticipatory Bail Application No. 2020 of 2022 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

sd/-

(R.M. MISHRA)

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dt. 26/12/2022

Dictated on : 26/12/2022
Transcribed on : 27/12/2022
Checked on : 27/12/2022
Signed on : 27/12/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER.”

27/12/2022 at 4.13 p.m.
UPLOAD DATE AND TIME

Mrs. S.B. Vichare
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ R.M. Mishra, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai (C.R.No. 04)
Date of Pronouncement of JUDGEMENT/ORDER	26/12/2022
JUDGEMENT/ORDER signed by P.O. on	27/12/2022
JUDGEMENT/ORDER uploaded on	27/12/2022