



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.2071 OF 2022**

IN

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

Smt. Nisha Rahul Kurade,]
Age 28 years, R/a. Room No. 1999,]
Jankalyan Society, M.V. Road,]
Shanti Nagar, Dahisar (E),]
Mumbai.] ...Applicant

Versus

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

Ld. Adv. Pallavi Dhotre for the applicant.

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

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

DATE : 13th January, 2023.

ORAL ORDER

1. The applicant namely, Smt. Nisha Rahul Kurade has moved this application under Section 438 of Cr.P.C. seeking directions to release him on Anticipatory Bail, in the event of her arrest in connection with Crime No. 574/2022, for the offences punishable under Sections 420, 406, 465, 467, 468, 471 r/w. 34 of IPC, registered at Vanrai Police Station.

2. Read application, perused the report of I.O. i.e. say of respondent/prosecution (Ex.4). Further perused copy of notice issued to the applicant Nisha Kurade, copy of FIR in Crime No. 574/2022, copy of statement of Bank Account of the applicant-Nisha Kurade, i.e. Bank of India, Malad (East) Branch .

3. Heard Ld. Counsel for the applicant Smt. Pallavi Dhotre and Ld. APP Smt. Poornima Chauhan for the State/Respondent. In the same crime, earlier I have heard I.O., Police Inspector Smt. Puri at the time of hearing of bail applications of other accused, just to know the facts and circumstances of this crime No.574/2022.

4. Ld. Counsel for the applicant vehemently submits that the present applicant was maid/domestic servant working at the house of arrested accused Smt. Bela D'souza as domestic worker. The arrested accused Bela D'souza has obtained bank account number of the applicant on the pretext that she will credit the salary of the applicant in her account. As such, then arrested accused Bela D'souza has created an amount of Rs.5,00,000/- in the bank account of the applicant and thereafter, at the instance of arrested accused Bela D'souza, her driver Girish has withdrawn the amount from the account of this applicant, asking the applicant to transfer this amount to get refund by RTGS therefore, applicant is innocent, having no concern in the said offence. Hence, she submitted that applicant is not beneficiary of the alleged fraud amount, therefore, submitted to release the applicant on anticipatory bail, in the event of her arrest.

5. Ld. APP Smt. Poornima Chaunan strongly opposed this application submitting that this present applicant is one of the beneficiary as an amount of Rs.5,00,000/- were credited to the account of the applicant and then that

amount were withdrawn by the another arrested accused Girish Rao by RTGS. As such, according to her, prima facie there is no role of the applicant in the said crime and submitted to reject the anticipatory bail application.

6. I have carefully perused the copy of FIR, report of the investigating officer which is say adopted by the prosecution/respondent. However, in the report of I.O. it is also mentioned that present applicant was working at the house of arrested person accused Bela D'souza as a maid/domestic servant and the I.O. also has strongly opposed this application.

7. As such, prima facie it appears that applicant was/is working as a maid/domestic servant at the house of arrested accused Bela D'souza. I have perused the copy of statement of bank account of applicant Nisha Kurade. Prima facie, it appears that on 18.09.2021, an amount of Rs. 5,00,000/- were credited to the account of the applicant by RTGS and thereafter, on 21.09.2021, an amount of Rs.4,75,000/- were withdrawn and paid to Girish Rao by RTGS, who has been arrested.

8. Admittedly, said Girish Rao has been arrested by the police authority. Now upon careful perusal of bank statement of the applicant, no further substantial amount has been found credited ini her account. As such, prima facie she appears to be not beneficiary of the misappropriated funds/amount of complainant. In such circumstances, applicant deserves to be released on anticipatory bail, in the event of her arrest as her custodial interrogation is not at all required. However, by imposing certain conditions, including attendance to the police station, the very purpose would suffice. In such circumstances, application filed by the applicant deserves to be allowed under Section 438 of Cr.P.C. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.2071 of 2022 u/sec. 438 of Cr.P.C. as filed by the applicant Nisha Rahul Kurade, in connection with Crime No.574 of 2022 for the offences punishable under Sections 420, 406, 465, 467, 468, 471 r/w. 34 of Indian Penal Code, registered with Vanrai Police Station, Mumbai is hereby allowed as follows :-
2. Applicant shall be released on executing P.R. Bond and Surety Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) in the event of her arrest, on the following conditions.
 - i) Applicant shall attend concerned police station on each Sunday till the end of month of February, 2023 in between 11.00 a.m. to 12.00 noon without fail.
 - ii) Applicant shall assist the I.O. in investigation as and when required.
 - iii) The applicant shall furnish and produce her identity proof with full and correct permanent address with her mobile numbers, and/or change of residence or mobile details, if any from time to time to the investigating officer.
3. Anticipatory Bail Application No.2071 of 2022 is disposed of accordingly.
4. Order pronounced in Open Court.
5. Proceeding closed.
6. Parties to act upon the copy of roznama duly authenticated by Court Sheristedar.

Dt. 13/01/2023

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

Dictated on : 13/01/2023

Transcribed on : 13/01/2023

Corrected on : 13/01/2023

Signed on : 13/01/2023

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	09/01/2023
JUDGMENT/ORDER signed by P.O. on	13/01/2023
JUDGMENT/ORDER uploaded on	13/01/2023