



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**
ANTICIPATORY BAIL APPLICATION NO.2063 OF 2022
IN
(C.R.No.574/2022 of Vanrai Police Station)

- | | | | |
|--------|---|---|---------------|
| 1. | Smt. Vishala Sheena @ Sinna Rao, |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age 75 years, Occ : Housewife, |] | |
| | | | |
| 2. | Mrs. Kavita Girish Rao, |] | |
| | Hindu, Indian Inhabitant, |] | |
| | Age 44 years, Occ : Housewife, |] | |
| | | | |
| | Both R/a. A/83, Shivaji Nagar, |] | |
| | Near Vakola Bridge, Santacruz (E), |] | |
| | Mumbai. |] | ...Applicants |
| | | | |
| Versus | | | |
| | The State of Maharashtra, |] | |
| | (At the instance of Vanrai Police Station.) |] | ...Respondent |

Ld. Adv. Vaibhav Parab for applicants.

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 applicants namely, Smt. Vishala Sheena @ Sinna Rao and Mrs. Kavita Girish Rao have moved this application under Section 438 of Cr.P.C. seeking directions to release them on Anticipatory Bail, in the event of

their 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 copy of FIR, statement of complainant Mr. Shankey Agarwal dated 07.10.2022 and copy of remand papers wherein accused Kedar Sudhakar Satam has been arrested and produced before Ld. Metropolitan Magistrate. Further perused copy of notice addressed to the applicant Kavita under Section 41(A)(1) of Cr.P.C. dated 22.12.2022 issued by Police Authority of Vanrai Police Station.

3. Heard Ld. Counsel Shri Vaibhav Parab for applicants, complainant Shankey Agarwal, Ld. APP Smt. Poornima Chauhan for State, and investigating officer Smt. Puri, attached to Vanrai Police Station. Ld. Counsel for applicants submits that applicants have no role in this case. No evidence against them. No custodial interrogation is required. One Ankita is the employee of arrested accused Bela D'Souza. Due to this reason, the applicants have been falsely involved. He further submits that actually there is no name of the present applicants in the FIR. The FIR is against one Kedar Satam. Hence, he submitted to allow this anticipatory bail Application and to release the applicant on anticipatory bail, in the event of their arrest.

4. I.O. as well as Ld. APP strongly opposed the bail application and submits that huge amount is involved in the crime and the applicants have obtained the amount and same has been transferred to their account at the instance of main accused Kedar Satam, against whom FIR is registered. Now according to the prosecution, applicants are beneficiary, cheater and fraud. Hence, custodial interrogation of the applicants is required. In the circumstances, he submitted to reject the anticipatory bail application.

5. The complainant Sankey Agarwal also stepped into witness box, when he was called to make inquiry and heard his side, he also submits that as per statement of the main accused Kedar Satam, against whom FIR is registered, the complainant had transferred the amount to various person's account including present applicants' accounts, therefore, he also opposed this anticipatory bail application.

6. I have perused the report of I.O. vide Ex.2 i.e. say of the prosecution. The report of the I.O. prima facie shows that both applicants namely, Vishala and Kavita are the beneficiaries as amount of Rs.20 Lakhs and Rs.5 Lakhs have been transferred to their account and that amount is required to be recovered and that amount has been utilized by the applicants. As such, the investigation is at preliminary stage as custodial interrogation of the applicants is required, as submitted by the I.O. in this report. No doubt, one Kedar Satam is the main accused against whom crime came to be registered as per FIR but during the course of investigation, prima facie it found that present applicants are also involved as they are beneficiaries, as amount have been transferred to their bank account as per say of the main accused Kedar Satam. Prima facie involvement of the applicants appears to be seen.

7. **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 granted 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. In such circumstances, it is not a fit case wherein Anticipatory Bail is to be

granted to the applicants. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.2063/2022, filed by applicants Smt. Vishala Sheena @ Sinna Rao and Mrs.Kavita Girish Rao, 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

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

Dictated on : 10/01/2023
Transcribed on : 10/01/2023
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	10/01/2023
JUDGMENT/ORDER signed by P.O. on	13/01/2023
JUDGMENT/ORDER uploaded on	13/01/2023