

BA-134/2025

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Order

MHCC050008902025



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

CRIMINAL BAIL APPLICATION NO.134 OF 2025

Mrs. Ashwini Mahesh Oza)
Age : 47 yrs., Occupation : Business,)
R/at: Room No.303, Jawahar Nagar,)
Ichalkaranji, Kolhapur, Maharashtra.) **..Applicant**

Versus

The State of Maharashtra)
Through Vile Parle Police Station in its C.R.)
No.700 of 2024).) **..Respondent**

And

Mr. Rameshchandra P. Jain) **..Intervener**

Ld. Adv Mr. Tanoj Joshi for the applicant/accused.

Ld. APP Mr. I.K. Shaikh for the State.

Ld. Adv. Ms. Yogita Joshi for the intervener.

**CORAM : HIS HONOUR ADDITIONAL
SESSIONS JUDGE, M.H PATHAN,
COURT ROOM NO.10.**

Date : 10th March, 2025

ORAL ORDER

This is an application filed by the applicant under section 439 of Cr.PC., for granting bail in connection with Crime No.700/2024, registered with Vile Parle Police Station for the offences punishable under Sections 419, 420, 465, 467, 468 and 474 of I.P.C.

The brief facts of the application are as under:

2. That on 02.09.2024, the informant lodged the report allgedly that during the period from 01.08.2021 till lodging of report, the applicant/accused had taken an amount of Rs.62,50,000/- from the informant on the assurance that she will transfer the landed property in the name of the informant, however, the documents of the said landed property were fake and fabricated and thereby, she cheated to the informant. On the basis of his report, Crime No.700/2024, registered with Vile Parle Police Station for the offence punishable under Sections 419, 420, 465, 467, 468 and 474 of I.P.C. registered with Vile Parle Police Station against the applicant/accused. Thereafter, the applicant was arrested in connection with the abovesaid crime on 24.01.2025 and since then, she is in jail. Therefore, the applicant has filed her bail application and prayed to release her on bail.

3. The learned advocate for the applicant submitted that the dispute is civil in nature, however, the informant has given criminal colour to the civil dispute. The case is based on documentary evidence. The matter will be settled in between the parties. The applicant is innocent lady. The informant has lodged false report against the applicant. Hence, he prayed to release the applicant on bail.

4. Per contra, the learned APP for the prosecution submitted that there is specific allegations against applicant. The applicant cheated to the informant to the amount of Rs.62,50,000/- and the said amount yet to be recovered from the applicant. There is criminal antecedents against the applicant. The investigation is in preliminary stage and the charge-sheet is not filed. Hence, he prayed to reject the bail application.

5. The learned advocate for the intervener submitted in the same tune as that of the learned APP.

6. I have gone through the contents of the application, say of prosecution, submissions of both the sides and the investigation papers. Prima facie, it appears that the applicant had taken an amount of Rs.62,50,000/- from the informant on the assurance that she will transfer the landed property in the name of the informant. Similar offences registered against the applicant at various police station. The criminal antecedents brought on record against the applicant. The investigation is in preliminary stage and in progress. The charge-sheet is not filed. The offence is related to the economic fraud. Considering the aforementioned reasons, I am of the view that prima facie case is not made out to grant bail to the applicant at this stage. Hence, I proceed to pass the following order :-

ORDER

The Bail Application No.134/2025 is hereby rejected and stands disposed off accordingly.

(Dictated and pronounced in open Court.)

Date: 10.03.2025

(M.H. Pathan)
Addl. Sessions Judge
Sessions Court,
Borivali Division, Dindoshi

Dictated on	: 10.03.2025
Transcribed on	: 10.03.2025
Checked & signed on	: 10.03.2025

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Order

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
UPLOAD DATE AND TIME 12.03.2025 AT 11.25 A.M.	Atul Suryakant Bhogte NAME OF STENOGRAPHER
Name of Judge (with Court room no.)	HHJ Shri M.H. Pathan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGMENT/ORDER	10.03.2025
JUDGMENT/ORDER signed by P.O. on	10.03.2025
JUDGMENT/ORDER uploaded on	12.03.2025