

MHCC050041682020



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

**BAIL APPLICATION NO.1189 OF 2020**

Mrs. Shwetha Venkatraman Iyer  
Hindu, aged about 49 years,  
Residing at Juhu Angan,  
Model Town, 7 Bungalows Road,  
Andheri (West), Mumbai – 400 053

.....Applicant/accused

V/s.

The State of Maharashtra  
(Through Oshiwara Police Station.)  
C. R. No.109/2020

.....Respondent

Adv. Ramesh Mishra, the learned counsel for applicant/accused.  
Adv. Smt. P. M. Chauhan, the learned APP for the prosecution.

**CORAM : H.H. Additional Sessions Judge,  
Shri S. S. Oza  
Court Room No.13.  
Date : 3<sup>rd</sup> December, 2020**

**ORAL ORDER**

1. This is an application filed under section 439 of Code of Criminal Procedure 1973 (in short “Cr.P.C.”) for grant of bail to the applicant/accused in C. R. No.109/2020 registered for an offences

punishable u/sec.406, 420 of I. P. C.

2. Briefly stated, applicant's case is as under:-

She is arrested on 04.11.2020 by the respondent for above offence and now she is in judicial custody. She is innocent and committed no offence. She is falsely implicated in this case. The transaction of loan between parties was civil transaction. She has already refunded some amount. She has deposited an amount of Rs.3,00,000/- with the account of first informant to show her bonafide intention. The present proceeding is not recovery proceeding. Bail is rule and jail is an exception. She has fixed place of residence from several years. She undertakes to furnish surety if bail is granted by this Court. Hence, she prayed for grant of bail to her.

3. Prosecution opposed the bail application by filing say at Ex.2. Prosecution opposed the bail application on the ground that an amount of Rs.14,20,970/- is yet to recover from the applicant/accused. Applicant has committed such type of offence within the jurisdiction of other police stations also. Hence, prayed for rejection of the application.

4. First informant Kishor Raju Amin, who is now retired from said Mogavira Bank, appeared as intervenor and raised various grounds to oppose the bail in the intervention application itself.

5. Heard the learned counsel for the applicant and the learned APP for the prosecution. Ld. Counsel of applicant in support of his argument placed reliance on the judgment of Hon'ble Delhi High

Court in the case of **M. R. Narayanan Vs. State; dated 8<sup>th</sup> August, 2002.**

6. Applicant has submitted /filed one pursis to the effect that she is ready to deposit at least Rs.1,00,000/- before this Court as well as she is ready to pay and deposit remaining amount within six months.

7. At the outset, it is to be noted that from the copy of FIR and say of the prosecution, it reveals that first informant is serving as General Manager with SEBI. According to the prosecution case, in the year 2017 one colleague of first informant named Sura Gupta introduced her with the accused that accused is working as financial adviser at the State Bank of India and earlier also she has managed loan for 2-3 persons. And stated the accused is punctual and reliable. First informant was in need of loan of Rs.1,60,00,000/-. Accused stated that she will manage the loan from the State Bank of India, Thane within the period of 15 days. Accordingly, she collected all the documents from the first informant. Even she collected a cheque of Rs.70,00,990/- for payment to various agencies to complete the technical formalities. Even later on accused stated to the first informant that her home loan is sanctioned and collected a cheque of Rs.19,00,000/- from her for the purpose of registration, TDS and other fees. However, later on, the first informant found that the accused cheated her. Therefore, she lodged the report with the respondent. Accordingly, offence punishable u/sec.406, 420 of I. P. C. is registered against the accused.

8. From the say of the prosecution, it reveals that out of said

amount, accused has repaid an amount of Rs.2,50,000/- to the first informant. Today, accused/applicant has filed pursis that she is ready to deposit at least Rs.1,00,000/- before this Court as well as she is ready to repay remaining amount within six months. Prosecution opposed the bail application on the ground that an amount of Rs.14,20,970/- is yet to recover from the accused. And such type of offences are registered against the applicant in other police stations also. Prosecution has only referred the crime No.357/2019 registered with Versova Police Station against the applicant but did not produce the copy of any FIR. Offence is not punishable with imprisonment of life or death sentence. It appears that accused has already deposited and repaid an amount of Rs.2,50,000/- to the first informant and she is ready to deposit at least Rs.1,00,000/- and repay remaining amount within 6 months. In view of all these facts, this is fit case to grant conditional bail to the applicant. Hence, I proceed to pass the following order.

### **ORDER**

- 1) Bail Application No.1189 of 2020 is allowed.
- 2) On depositing an amount of Rs.1,00,000/- before this Court, applicant Shwetha Venkatramanlyer shall be released on bail on executing P. R. and S.B. of Rs.20,000/- (Rupees Twenty Thousand) with one or two solvent sureties in the like amount, in C. R. No.109/20 registered with Oshiwara Police Station for an offence punishable u/sec.406, 420 of I. P. C. on following conditions that-
  - i) She shall attend the concerned police station on every Saturday in between 10.00 a.m. to 12 Noon till completion of investigation.
  - ii) She shall not commit an offence similar to the offence of which she is

accused, or suspected, of the commission of which she is suspected.

iii) Shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

iv) She shall not leave Mumbai without the prior permission of this Court.

3) She shall deposit the remaining amount within six months from today. In case she failed to deposit remaining amount, prosecution is having liberty to apply for cancellation of bail.

4) Bail Application No.1189 of 2020 stands disposed of.

Dt.03.12.2020

(S. S. Oza)  
Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dictated on 03.12.2020  
Transcribed on 04.12.2020  
Signed on 07.12.2020

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

UPLOAD DATE  
AND TIME : 07/12/2020 11.40 a.m.

Mrs. T. S. Bhogte  
Name of Stenographer

Name of the Judge (with Court Room No.)

HHJ Shri S. S. OZA  
(Court Room No.13)

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|-----------------------------------------|------------|
| Date of Pronouncement of Judgment/Order | 03.12.2020 |
| Judgment/Order signed by P.O. on        | 07.12.2020 |
| Judgment/Order uploaded on              | 07.12.2020 |