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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3082/2022

PRIYA PRASHANT NARKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.409/2023
IN
BAIL APPLICATION NO.3082/2022**

GAUTAM MADAN MADRECHA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Yug Mohit Chaudhry a/w. Adv. Ashok Mishra, Adv. Kinjal Mehta, Adv. Hrishikesh Naik i/b. M/s. Solicis Lex for the applicant.

Ms. A. A. Takalkar, APP for State.

Mr. Rajesh A. More for the complainant.

PI Viay Madaye, Borivali Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 6, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 420, 408, 468, 467, 477-A, 201, 120-B read with 34 of the Indian Penal Code, 1860

(hereafter 'IPC' for short) read with Sections 65, 66(C) and 66 (D) of the Information Technology Act, 2000, registered vide First Information Report (FIR) No.213/2021 with Borivali Police Station.

3. The applicant is the accused no.1. The applicant was working as a ticket booking staff with the complainant's travel agency. The FIR is dated April 13, 2021. The FIR is filed by the partner and owner of the company where the applicant was working. A complaint was made by the complainant that one Sheetal Bare who is a booking agent along with employees of the company conspired to misappropriate the funds of the company by fudging the booking amounts of the airline tickets. It is alleged that the misappropriation is to the tune of Rs. 4,25,52,426/-. The applicant is a female employee of the company who was at the relevant time working as a ticket booking staff. The applicant surrendered on May 25, 2022 and since then she is in custody for almost 8 months. The applicant is said to have benefitted to the tune of Rs.1,80,98,175/- as a result of alleged conspiracy of misappropriation of the amount belonging to the complainant's company.

4. The applicant has filed the affidavits-cum-undertakings, one of which is affirmed by her and another affidavit is affirmed by her husband (Prashant Prabhakar Narkar) in respect of the flat mentioned therein. According to learned counsel, the value of the flat when it was purchased is Rs.67 lakhs and presently it is Rs.1 crore. Paragraphs 4 and 5 of the undertaking reads thus: -

“4. I say that I am holding two bank accounts in the following banks mentioned below:

A. Saraswat Bank (seized and frozen by the IO in this case)

i. Account No.: 348203100001764

ii. IFSC Code: SRCB0000348

iii. Balance as on 03.02.2023 Rs.Not Known.

B. Bank of Maharashtra (seized and frozen by the IO in this case)

i. Account No.:60023030544

ii. IFSC Code: MAHB0001301

iii. Balance as on 03.02.2023 Rs.Not Known.

5. I say that, without prejudice to the rights and contentions of me and my husband Mr. Prashant Narkar, Mrs. Rekha Bane and Mr. Anup Jayram and only for the purpose of showing my bonafide and giving an assurance against absconding, I am ready to deposit the original property papers of the property co-owned by me along with my husband in the Ld. Trial Court i.e. Ld. Metropolitan Magistrate, 26th Court, Borivali at Mumbai in C.C. No.3286/PW/2022.”

The affidavits-cum-undertakings are taken on record. The statements are accepted as an undertaking to this Court.

The applicant and her husband to abide by the said affidavits-cum-undertakings.

5. The applicant is a woman in custody for more than 8 months. The trial is likely to take a long time to conclude. The co-accused-Priyal Chetan Bandbe who was working as an accountant was granted bail by an order dated January 5, 2023 in Bail Application No.3066/2022. The amount of which the applicant is alleged to be beneficiary is to a large extent secured.

6. There are no criminal antecedents reported against the applicant. In view of the affidavits-cum-undertakings, the applicant can, therefore, be released on bail as the investigation is complete and the charge-sheet has been filed. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant-Priya Prashant Narkar in connection with FIR No.213/2021 with Borivali Police Station, shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant be released on provisional cash bail of Rs.25,000/- for a period of six weeks from today.

(d) The applicant shall attend the trial regularly.

(e) The applicant 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall surrender her passport in the trial Court.

(h) The applicant will not leave India without prior permission of the trial Court.

(i) Having regard to the nature of the accusations, learned trial Judge is requested to expedite the trial.

7. The application is disposed of.

8. The interim application is also disposed of.

(M. S. KARNIK, J.)