

DIKSHA  
DINESH  
RANE

Digitally signed  
by DIKSHA  
DINESH RANE  
Date: 2023.02.06  
14:53:20 +0530

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

**BAIL APPLICATION NO.3618/2022**

SHEETAL MANOHAR BARE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

-----  
Adv. Niranjan Mundargi a/w. Adv. Sunny Waskar, Adv. Keral  
Mehta and Adv. Shamish Marwadi 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.3. The applicant was in

import-export business and she began to book air tickets through co-accused Priya Narkar and carry out her business through 'Udaan' where co-accused Priya Narkar was working as a ticket booking staff. The FIR is dated April 13, 2021. The FIR is filed by the partner and owner of the company where the co-accused Priya Narkar was working. A complaint was made by the complainant that the applicant 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 woman. The applicant was arrested on June 13, 2022 and since then she is in custody for almost 7 months. The applicant is said to have benefited to some extent as a result of alleged conspiracy of misappropriation of the amount belonging to the complainant's company.

**4.** The applicant has filed the affidavit-cum-undertaking which is affirmed by her in respect of the flat mentioned therein. According to learned counsel, the value of the flat when it was purchased was Rs.90 lakhs and presently it is Rs.2 crore. Paragraphs 4 and 5 of the undertaking reads

thus: -

“4. I state that presently the flat is mortgaged with Kotak Mahindra Bank due to home loan which is being duly serviced by me and I undertake to duly repay the said home loan on the flat.

5. I hereby undertake that I shall not create third party rights on the flat till conclusion of the trial arising out C.R.No.213/2021. I also undertake that I shall submit the Original documents of the flat which are presently in custody of Kotak Mahindra Bank with the trial Court as soon as the release of mortgage deed is executed by the bank after repayment of the loan.”

**5.** The affidavit-cum-undertaking is taken on record. The statement is accepted as an undertaking to this Court. The applicant is abided by the said affidavit-cum-undertaking.

**6.** The applicant is a woman in custody for more than 7 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 some extent secured.

**7.** There are no criminal antecedents reported against the applicant. In view of the affidavit-cum-undertaking, the

applicant can, therefore, be released on bail as the investigation is complete and the charge-sheet has been filed. Hence the following order.

### **O R D E R**

- (a) The application is allowed.
- (b) The applicant-Sheetal Manohar Bare 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.

**8.** The application is disposed of.

**(M. S. KARNIK, J.)**