



THE COURT OF SPECIAL JUDGE, FOR GR. BOMBAY AT MUMBAI

BAIL APPLICATION EXHIBIT NO.4

IN

**REMAND APPLICATION NO. 306 OF 2023
(CNR NO. MHCC02-004159-2023)**

IN

C.R.NO.28 OF 2023

Aniksha Anil Jaisinghani)
)
)
)
)
)...Applicant/Accused

Versus

The State of Maharashtra)
(Through Malabar Hill Police Station)
Mumbai – 400 034)....Complainant

Appearances :-

Ld. Adv. Shri. Mrigendra Singh a/w. Adv. Manan Sanghai a/w. Adv. Parth Singh & Adv. Arya Jain for accused.
Ld. SPP Shri. Ajay Misar for State/Complainant.

**CORAM : H.H. THE SPECIAL JUDGE
UNDER P.C. ACT, 1988
DEEPAK D. ALMALE,
(C.R. No. 45).**

DATED : 27th MARCH, 2023.

ORDER

(Dictated and pronounced in open Court)

Applicant/accused **Aniksha Anil Jaisinghani** has moved present application for bail in-connection with Cr. No. 28/2023 registered by Malbar Hill Police Station for the offences punishable under section 8, 12 of Prevention of Corruption Act along with Section 120-B and 385 of IPC.

2. Application is objected by the Ld. SPP by filing say below Exh-5 and IO below Exh-6.

3. I have heard arguments advanced on behalf of both parties at length and gone through the case papers.

4. It is case of the prosecution that complainant and present accused met in the month of November 2021 in a function. It is case of the prosecution that on dated 16.02.2023 the present applicant/accused has offered bribe of Rs. 1 crore to the complainant in order to induce her husband, who is a public servant, to save the father of the applicant/accused from the criminal cases. Complainant did not give any response to the said offer, therefore on 18.02.2023 at about 11.55 p.m. and on 19.02.2023 at about 00.15 a.m. applicant/accused has forwarded 22 video clips, 3 voice notes to the WhatsApp of the complainant by using an unknown number. After watching the video and reading the message complainant came to know that the present applicant/accused and her father have made conspiracy against the complainant and her husband. According to the prosecution, applicant/accused also did a certain video shooting and forwarded to the

complainant and tried to extract Rs. 10 crore from the complainant. Thereafter on dtd. 20.02.2023, complainant lodged FIR against present applicant/accused and her father.

5. The learned advocate of accused submits that arrest of applicant/accused is illegal. Almost entire investigation of the case has been completed and nothing remains to be investigated. He also submits that applicant/accused is a woman and alleged offences are not punishable more than 7 years imprisonment therefore applicant/accused is entitled for the bail and she is ready to abide by all the conditions as may be imposed. In support of his submissions he has relied upon the ruling of *Satender Kumar Antil (2017) 15 SCC 67 and Arnesh Kumar v/s. State of Bihar (2014) 8 SCC 273*.

6. On the other hand the learned SPP submits that investigation of the case is at a preliminary stage. Applicant/accused and her father have made a conspiracy and tried to offer a bribe of Rs. 1 crore to the husband of the complainant, who is a public servant. He also submits that when the complainant did not act according to the wish of the present applicant/accused and her father then she tried to extort from the complainant, in order to save her father from the series of criminal charges. He also submits that there is a *prima facie* evidence against applicant/accused therefore if at this stage applicant/accused is released on bail then there is a possibility of tampering with prosecution evidence. In support of his submissions, the Ld. SPP relied upon the ruling of *Nimmagadda Prasad v/s. C.B.I. 2013 (3) SCC Criminal 575 and Mallampati Gandhi v/s. State of Telangana, Criminal Petition No. 3857 of 2018 decided by Hon'ble Telangana & Andhra Pradesh High Court on 16.04.2018*.

7. I have considered submissions of both sides and gone through the case papers. Admittedly, present accused, her father and one more accused are charged for the offences punishable u/s. 8,12 of P.C. Act along with 120-B and 385 of IPC. There is no dispute that in this case there are allegations against the applicant/accused that she in conspiracy with co-accused i.e. her father Anil Bhagwandas Jaisinghani has tried to offer bribe of Rs. 1 crore to the complainant in order to induce her husband, who is public servant, to save the said Anil Bhagwandas Jaisinghani from the criminal charges. The present applicant/accused also prepared a video shooting containing bag in which alleged amount of bribe of Rs. 1 crore was offered to the complainant. After the said incident again applicant/accused threaten to the complainant to viral the said video shooting if complainant is not acted according to her will. So also accused also demanded Rs. 10 crore to the complainant in order to return the video clips and other messages.

8. From the records, it appears that during course of investigation the present applicant/accused was remanded in to the police custody. So also her father Anil Bhagwandas Jaisinghani and one more accused also remanded in to the police custody. So investigation officer has got sufficient time for investigation and interrogation.

9. I have carefully gone through the ratio laid down in the ruling of *Nimmagadda Prasad cited supra* relied upon by the prosecution wherein the Hon'ble Apex Court observed that the Court dealing with grant of bail can only satisfied it as to whether there is a genuine case against the accused and that the prosecution will be able to produce *prima facie* evidence in support of charge.

10. In another ruling *Mallapati cited supra* relied upon by the prosecution wherein the Hon'ble Telangana and Andhara Pradesh High Court observed that considering the materials on record and nature of allegations accused is not entitled for the bail for the offences punishable u/s. 13(1)(e) r/w. Sec. 13 (2) of P.C. Act.

11. Accused has relied upon decision of Hon'ble Bombay High Court in Criminal Bail Application No. 373 of 2011 *Babasaheb Patole V/s. State of Maharashtra decided on 24.03.2011* wherein it was held that, mere 28 criminal cases are registered against the applicant/accused of similar nature, this cannot be a ground for refusing bail to the applicant. I have also gone through the ratio laid down in the ruling of *Arnesh Kumar and Satender Antil*. In the present case, at the time of arrest of the applicant/accused IO has recorded proper reasons for against, therefore arrest cannot said to be illegal.

12. After considering the ratio laid down in the ruling *cited supra* relied upon by the prosecution, it appears that in the case at hand all the alleged offences are punishable for imprisonment up to 7 years, therefore to my mind the ratio laid down in the ruling *cited supra* cannot be made applicable to the case at hand.

13. Thus taking to the account all the facts and circumstances of the case, I am candid opinion that applicant/accused is entitled for bail subject to conditions in order to prevent the situation of tampering of any prosecution evidence hands of applicant/accused. Hence following order is passed :-

ORDER

1. BA Application Exh-4 is allowed.
2. Accused **Aniksha Anil Jaisinghani** be released on bail on execution of PB & SB of Rs. 50,000/- (Rs. Fifty Thousand only), with one or more sureties of like amount.
3. Accused shall not cause any threat, promise or inducement to the prosecution witnesses and shall not hamper or tamper with evidence.
4. Accused shall appear before IO on every Monday in between 11.00 a.m. to 2.00 p.m. till the filing of final report and shall co-operate IO in the ongoing investigation.
5. Applicant/accused shall surrender her passport to the IO and shall not leave the jurisdiction of the Court sans prior permission of this Court.
6. Registrar (S) to accept the provisional cash bail amount after office hours.
7. BA Application Exh.4 is disposed of.
8. R.A. No. 306/2023 is disposed of.



Date : 27.03.2023

(Deepak D. Almale)
Spl. Judge ACB (BMU)
City Civil & Sessions Court
Gr. Bombay.

Directly dictated on Com :-27.03.2023.
Checked on :-27.03.2023.
Signed on :-28.03.2023.

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

UPLOAD DATE AND TIME
28.03.2023 (11.51 a.m.)

NAME OF TYPIST
MRS. SEJAL S. SHIVALKAR

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|---|--------------------------------|
| Name of the Judge (with Court Room No.) | Shri D.D. Almale C.R. No.45 |
| Date of Pronouncement of JUDGMENT/ ORDER | 27.03.2023 |
| JUDGMENT/ORDER signed by P. O. on | 28.03.2023 |
| JUDGMENT/ORDER uploaded on | 28.03.2023 |

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