

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1319 OF 2015
[Divya w/o Dipak Parkhe Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri G.P.Shinde, advocate for applicant
Shri D.R.Kale, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 27th April, 2015

PER COURT :-

1] By the present application, the applicant is seeking her release on bail in connection with Crime No. 187 of 2014, registered at Jawaharnagar police station, Aurangabad, for the offences punishable under Sections 420, 406, 465, 467, 468, 471, 107, 109, 114, 120B, 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999.

2] I have heard Shri G.P.Shinde, learned counsel for the applicant and Shri D.R.Kale, learned Additional Public Prosecutor for the respondent/State in extenso.

3] According to the learned counsel for the applicant, the charge sheet is already filed, and therefore, further custodial presence of the applicant, since she being woman, is not at all necessary.

4] Merely because the charge sheet is filed and merely because the applicant is a woman, that by itself cannot be a criteria for grant of bail in her favour.

While considering the application for bail, the court is required to examine at least prima facie nature of accusation

made against the applicant. Seriousness of the crime has also be weighed while considering the bail application. Further, it is also to be considered whether the applicant is in a position to influence the prosecution witnesses or not.

5] In the present case, it is not in dispute that the present applicant is Director of Super Power Investment Company Limited and her husband the co-accused is the Managing Director of the said Company.

One Nanda Patil approached to the police station, Aurangabad and lodged a first information report that on getting acquaintance with the present applicant and other co-accused, different investment plans of the Company were shown to her and it was assured to her that the first informant will get handsome returns on investments from the Company of which the applicant is the Director. The first informant invested Rs.20,85,000/- in view of the assurances and promises given to her. It appears that for some period, regular returns were given to her, however, from June, 2014 no returns were given to the first informant and thus she found that she has been cheated.

6] The investigation shows that the applicant as a Director is involved in alluring the investors to invest their hard earn money with the Company on false promises of higher returns. Various statements of various witnesses show that the applicant was promoting and introducing the investors various schemes, thereby she was alluring to invest the money. According to the reply filed by the investigating officer the present applicant has played a major role to cheat the scattered investors for Rs.9,44,77,043/-. According to the prosecution about 32,000 and more persons were cheated. In that view of the matter, merely because the applicant is a woman, her application for bail cannot be considered favourably.

7] Further, the material collected shows that most of the investors are from lower strata. They were allured to invest their hard earn money with a false hope to get higher returns. Had they not promised of such higher returns, they would not have invested their money with the Company of which the present applicant is a Director.

8] The statements of the witnesses also show that the applicant was having direct control over the day to day management of the Company.

9] In that view of the matter, apprehension of the prosecution that if the applicant is released on bail, she may tamper with the prosecution evidence is not illfounded. No case is made out for bail. Hence, application is rejected.

(V.M.DESHPANDE, J.)

dbm/crap1319.15