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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.206 OF 2015

Archana Ashwinikumar Supra ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.220 OF 2015

Suresh Kumar Choudhary ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Kuldeep Patil, for the Applicants.
Ms.Rutuja Ambekar, APP for the Respondent – State.
P.I – Raghunath Vithoba Dalvi, Samata Nagar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATED : 2nd MARCH, 2015.

P.C.

1. Heard learned counsel for the applicants and learned APP for the Respondent – State.

2. By these applications, the Applicants seek pre-arrest bail, in connection with C.R.No.617 of 2014 registered with the Samata Nagar

Police Station, Mumbai, for the alleged offences punishable under Sections 419, 420, 406, 465, 467, 468, 471, 170, 120-B of the Indian Penal Code.

3. The said complaint was registered on the basis of a complaint lodged by Shravankumar Ganesh Saha.

4. According to the prosecution, the complainant-Shravankumar Ganesh Saha got acquainted with one Vinod Jha, who ran a security agency under the name and style of `Acharya Security Agency'. It is alleged that on 4th July, 2014, Vinod Jha met the complainant and informed him that one Ashwinikumar Supra, who was working as an IAS IB OCD Chief with the Government of Maharashtra at New Delhi, was allotted one duplex premises, admeasuring about 3800 sq.ft. at Noida, Uttar Pradesh and that the said duplex property was to be sold for Rs. 1.5 crores. Accordingly, a meeting was arranged between the complainant, Ashwinikumar and Vinod Jha and it was agreed that the duplex property would be sold for Rs. 70,00,000/- to the complainant. The complainant accordingly transferred various amounts to the tune of Rs. 66,38,000/- to the accounts of Ashwinikumar and the present applicants i.e. the wife and

father of Ashwinikumar, through RTGS on various dates. The complainant had also given cash to Vinod Jha, which was to be paid to one Amrutakumari Gupta, as per the instructions of Ashwinikumar via money transfer.

5. It is alleged that the registration of the duplex property in favour of the complainant was being delayed on some pretext or the other. According to the complainant, he learnt on 21st November, 2014 pursuant to a news item published in the `Times of India' that Vinod Jha, Ashwinikumar and one Anilkumar Choudhary were taken into police custody by the Borivali Police Station, in connection with forged documents and stamps. Pursuant to which, the complainant went and lodged a complaint with the Borivali Police Station.

6. The learned Counsel for the applicants contended that at no point of time, the complainant had met the present applicants nor is it alleged in the complaint that the applicants, at any point of time, made any representation to him. He submitted that the amounts transferred by RTGS were not known to the applicants and that the said amounts were not withdrawn by either of the applicants. He submitted that the applicant

in Criminal Application No. 206/2015, is the wife of Ashwinikumar, who is a housewife and the applicant in Criminal Application No. 220/2015, is the father of Ashwinikumar, who is a retired senior citizen, permanently residing at Patna. He submitted that both the applicants had no nexus with the alleged transaction and in fact had never visited Mumbai nor met the complainant.

7. Both the applicants in the aforesaid applications, have attended the Samata Nagar Police Station, Mumbai, as directed by this Court vide order dated 16th February, 2015 and have co-operated with the investigation.

8. Learned APP states that as far as the applicant in Criminal Bail Application No.220 of 2015 is concerned, no amount have been withdrawn from the said account. He submits that as far as applicant in Criminal Bail Application No.206 of 2015 is concerned an amount of about Rs.11 lacs have been withdrawn by ATM.

9. Learned APP is not been able to state whether the applicant in Criminal Bail Application No.206 of 2015, is the person who has withdrawn the said amount by ATM. The fact remains that the transaction

of the complainant was with one Vinod Jha and Ashwinikumar Supra (husband of the applicant Archana Ashwinikumar Supra and son of Suresh Kumar Choudhary). At no point of time, the complainant have stated to have met either of the applicants.

10. Considering the nature of allegations and the role of the present applicants, the applicants deserve to be granted pre-arrest bail on the following terms and conditions :-

<u>ORDER</u>

i) In the event of arrest, the Applicants - Archana Ashwinikumar Supra and Suresh Kumar Choudhary, be released on bail on furnishing P.R.Bond in the sum of Rs.50,000/- each, with one or two sureties in the like amount ;

ii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case;

iii) The Applicants shall co-operate with the Investigating Agency.

11. The Application is allowed and disposed of in above terms.

12. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

13. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)