

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.997 OF 2015

Atul Aananda Kamble	... Applicant
vs.	
The State of Maharashtra	... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.998 OF 2015

Rachana Atul Kamble	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Sandeep Koregave, for the Applicants.
Mrs. Veera Shinde, APP for Respondent – State.
Mr. V.A. Gurav (PN), Vadgaon police station present.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 17, 2015

P.C.:

. The applications are moved for pre arrest bail. These two applications are heard and disposed of together as both the applicants/accused are facing charges for the offences punishable under Section 420 read with 34 o the Indian Penal Code in C.R. No. 170 of 2015 registered with Peth Vadgaon police station, Kolhapur. The applicants are spouses. The applicant/accused Rachana is the

daughter of one Sujata Kamble who is the principal accused and the applicant/accused Atul is the son-in-law.

2. One Nandini Kamble gave information on 3rd July, 2015 that she was contacted by one Sujata, a co-accused and the mother in law of the present applicant/accused Atul that she would get loan approved for the ladies and the different saving groups can be formed for that purpose. She took initiative and formed groups of women. She got loans approved as many as 113 women and then she assured them that she would deposit their installments. She convinced the complainant and many women that their installments be handed over to her and she will deposit the amounts of their respective loans. However, she did not deposit the said amount in their respective loan accounts but she used that money for her personal benefit along with the applicants/accused. It is the case of the prosecution that the applicants/accused and the co-accused Sujata have duped 113 people for grant of Rs. 35 lacs. Hence, this pre arrest bail.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are innocent. They have not

committed any offence. The co-accused Sujata who has collected money in the name of the applicants/accused. They are not recipient of money. They are innocent. He further submitted that on 23rd June, 2015 i.e. nearly 10 days prior to the registration of the complaint, the applicants/accused gave complaint to the Superintendent of Police, Kolhapur about the harassment caused to them at the hands of the police because of these false allegations.

4. The learned prosecutor opposed the applications. He relied on the statements of the witnesses recorded by the police. She submitted that all the people who were cheated are the labourers and they wanted to utilize the loan amounts for buying cattles and other agricultural equipments. She submitted that the applicant/accused Atul is the son in law of principal accused Sujata and the said amounts are utilized by the applicant/accused for his business.

5. Perused the first information report and statements of witnesses which are produced before the Court. After going through the documentary evidence, *prima facie* it appears that the offence was committed by the principal accused Sujata who is *prima facie* cheated

113 persons for the amount of Rs. 35 lacs. However in their statements which are produced before this Court, nobody has stated that the applicants/accused had received the amounts or they have approached any person with the promise that they would deposit money of installments in the bank. In view of this, I am inclined to grant pre arrest bail to the applicants/accused.

6. Hence, I grant anticipatory bail as under:

- a) In the event of arrest, the applicants/accused be enlarged on bail upon furnishing P R. Bond in the sum of Rs. 20,000/-(Twenty Thousand) each with one or two solvent surety/s in the like amount;
- b) They shall cooperate with the investigating officer and shall attend the concerned police station once in a week on every Tuesday in between 11 am to 1 pm for four weeks.
- c) They shall not pressurize the complainant.

7. Both the anticipatory bail applications stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)