

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPLN] No.59 of 2015
[State of Mah. Vs. Smt. Mithila Vinay Wasankar]

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

Court's or Judge's orders

Mr. S.S. Doifode, APP for the applicant-State.
 Mr. Shashank Manohar with Mr. S.D. Dewani, Adv., for respondent
 sole.

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CORAM : A.B. CHAUDHARI, J.

DATE : 09th December, 2015.

This is an application for cancellation of bail granted by learned Special Judge under MPID Act & Addl. Sessions Judge-5, Nagpur, in Crime No. 156 of 2014 registered with Police Station, Ambazari, Nagpur, for the offences punishable under Sections 420, 406, 409, 506 and 120B read with Section 34 of Indian Penal Code, and Section 3 of the Maharashtra Protection of Interests of Depositors (In Financial Establishments) Act, 1999.

In support of the application, learned APP Mr. Doifode vehemently argued that the respondent Mrs. Mithila Wasankar along with her husband and relatives had duped several investors and, therefore, the Trial Judge should not have released her on bail. He then submitted that in para 5 of his order, the Trial Judge recorded the reasons about availability of prima facie

material against her and still made an order of grant of bail. He, therefore, prayed for cancellation of bail granted to the respondent Mrs. Mithila.

Per contra, learned Adv. Mr. Shashank Manohar with Mr. S.D. Dewani, learned counsel for respondent Mithila, supported the order and submitted that there is no reason to interfere with the discretionary order of bail made by Trial Judge, particularly when the respondent was in jail after her arrest that was made and she had undergone police custody remand also. He then submitted that the respondent had approached the Apex Court for grant of anticipatory bail and the Apex Court had made an order finally by which the respondent was granted liberty to surrender within four weeks and to apply for regular bail. According to him, there are no circumstances for cancelling the bail, as she has not misconducted herself after the grant of bail. He, therefore, prayed for dismissal of the application.

I have heard the learned counsel for the rival parties at length. I have seen the entire record, so also the orders made by this Court rejecting the respondent's anticipatory bail application and the order made by the Apex Court. The order made by the Apex Court reads thus:-

“We are not inclined to entertain these special leave petitions, which are dismissed.

However, if the petitioners surrender within four weeks from today and apply for

regular bail, if so advised, the Trial Court shall consider the same on its own merits and in accordance with law and pass orders within one weeks thereafter.

For the said period of four weeks, no coercive action shall be taken against the petitioners.”

Accordingly, the respondent surrendered before police and thereafter she applied for regular bail and by the impugned order, the Trial Judge has granted her bail.

It is true that in para 5 of his order, the learned Trial Judge recorded the reasons about availability of prima facie material against the respondent. But then, considering the fact that she is a woman having children and the further fact that her police custody or the MCR was not necessary, the learned Trial Judge granted bail by the impugned order.

The Trial Court exercised the discretion of releasing the respondent on bail and there is no complaint of any misconduct on her part while on bail. I, therefore, think, there is no need to interfere with the discretionary order of grant of bail.

In the circumstances, Criminal Application No. 59 of 2015 is dismissed.

Judge

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