

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

CRIMINAL APPLICATION NO.5539 OF 2016

Yogita w/o Vijay Khodge ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri M.S. Karad, Advocate for applicant
Shri R.V. Dasalkar, A.P.P. for respondent
.....

CORAM: A.S. CHANDURKAR, J.

DATED: 8th December, 2016.

ORAL ORDER :

1. The applicant, who has been arrested on 16.3.2015, seeks her release in connection with Crime No.I-187/2012 registered at Cidco Police Station, Aurangabad for the offence punishable under Sections 420, 120(B) read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act.

2. As per the First Information Report, the applicant

along with her husband and other family members had initiated a deposit scheme, in which, amounts if invested were to fetch good returns. On that basis, investments were made between the period 2008 to 2012. As the repayments as promised were not paid, aforesaid report was lodged resulting in offence being registered.

3. It is submitted by the learned counsel for the applicant that, the scheme in question was operated by the accused No.1, her husband. Pursuant to arrest of the applicant, all relevant documents have been duly seized and after completion of investigation, the supplementary charge sheet has been filed on 15.5.2015. It is submitted that, the applicant has a daughter aged 2 years and being a lady, she ought to be released on bail.

4. The application is opposed by learned Additional Public Prosecutor relying upon the supplementary charge sheet. It is submitted that, considering the fact that serious crime has been committed by the applicant and other accused, she does not deserve to be released on bail. It is submitted that, various investors have been duped and, therefore, no leniency should be shown.

5. Perused the material on record. Same indicates that, the applicant was arrested on 15.3.2015 and after her interrogation, the investigation was completed and supplementary charge sheet has been filed on 15.5.2015. The material on record is documentary in nature which is already collected by the prosecution. Considering the fact that the applicant is a lady, having a child aged about 2 years, who is behind bars since 15.3.2015, and there being no likelihood of the trial commencing in near future, in these peculiar facts, the following order is passed:

6. The applicant, who has been arrested in connection with Crime No.I-187/2012 registered at CIDCO Police Station, Aurangabad for the offence punishable under Sections 420, 120(B) read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, is directed to be released on bail on furnishing P.R. bond in the sum of Rs.20,000/- (Rupees twenty thousand) with one surety in the like amount.

7. The applicant shall not attempt to influence the prosecution witnesses. She shall attend the Court of Sessions at Aurangabad as per the directions of the learned Sessions Judge.

8. It is clarified that, the present order is passed after noticing the peculiar facts referred to hereinabove and same shall not be considered as precedent by other accused for seeking parity.

9. The criminal application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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