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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.170 OF 2016

Sou. Sangita Vishnu Dalvi ..Applicant.
V/s.
State of Maharashtra ..Respondent.

Mr.Shrish Gupte, Senior Advocate i/b. Vires V. Purwant for the applicant.

Mr.Arfan Sait, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 13TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.436/2015 for offences punishable under sections 419, 420, 406, 467, 468, 10(B) and 109 read with 34 of the Indian Penal Code registered with Sadar Bazar Police Station, Solapur now transferred to Economic Offences Wing, Solapur City, District Solapur by this application is praying for pre-arrest bail.

2. Heard the learned senior counsel appearing for the applicant. He vehemently argued that the applicant is in no way concerned with the crime in question. She never met the

informant nor accepted a single pie from him and she was not present at the time of any transaction. The learned senior counsel further argued that the applicant is Secretary of Tuljabhavani Mahila Mandal Sanstha, Ashti, District Beed having Registration No.F-5150. She is not concerned with Tuljabhavani Mahila Mandal Kada, Taluka Ashti, District Beed. The learned senior counsel, therefore, submitted that as no role is attributed to the applicant in the F.I.R., the applicant being a lady deserves pre-arrest bail.

3. As against this the learned APP argued that the present applicant has conspired with other accused persons and cheated the informant and several others to the tune of Rs.94.40 lacs. He further argued that the applicant has criminal antecedents and by similar modus operandi she has cheated the State of Maharashtra to the tune of Rs.8.79 crores. In that matter funds meant for social welfare scheme of Scholarship are misappropriated by her.

4. Perused papers of investigation as well as F.I.R. in question. F.I.R. is lodged by Shahajan Sikandar Mulla, President of “Olava Bahudeshi Samajik Sanstha”, Solapur –

now a defunct society. It is alleged therein that co-accused Vishnu Dalvi and Santosh Dalvi misrepresented him that his wife owns a society by name Tuljabhavani Mahila Mandal Sanstha, Ashti, District Beed as well as handicapped school named “Sant Ghadgebaba Matimand Niwasi Shala”, Taluka Chakur, District Latur. Those co-accused induced him to purchase the said school for Rs.30 lacs as the same is receiving hundred per cent grant-in-aid from the State. The F.I.R. further reflects that co-accused had introduced Nalanda Balam Khade as the owner of the school and accused Vishnu Dalvi had stated that she is his wife and that name is her maidan name. The F.I.R. further reveals that from time to time huge amount was extracted from the informant on the pretext of selling the school to the society. The informant suspected and gathered that he is cheated as the alleged Government letter transferring some other school by name “Niwasi Matiamnd Vidyalaya” run by Sadguru Sadanand Shikskahan Prasarak Mandal, Nanded was handed over to him by accused persons. The informant alleged that by forging the documents he is cheated to the tune of Rs.20 lacs by the accused persons and by adopting the same modus operandi, several others are cheated.

5. The Investigating Officer has furnished a chart showing the list of persons and the amount collected by cheating those persons by accused persons. It is seen that by adopting the modus operandi of selling schools, accused persons had collected an amount of Rs.94 lacs from the informant as well as eight witnesses.

6. The Investigating Officer during the course of investigation has collected several documents, including the notarized agreement which bears the signature of the present applicant and office bearers of the society seeking transfer of schools owned by the society to other societies. The Investigating Officer has recorded the statement of the Notary. At the police station, the present applicant has been identified as the person who has signed those agreements by the said Notary. Investigation transpires that present applicant has signed and notarized several agreements, showing sale of Schools in favour of several persons from whom other accused extracted huge amounts. The Schools were not seen to be run by the said Society. As such, at this preliminary stage, it cannot be said that the applicant is not in any manner

concerned with the crime in question. There may not be direct evidence so far as conspiracy is concerned but material collected during the investigation, prima facie shows the complicity of the present applicant in this offence of great financial magnanimity.

7. Reply filed by the Investigating Officer shows that in the past also, the applicant is found to be involved in the Scholarship scam in which the State Government is defrauded of the amount to the tune of about Rs.8.79 crores ment for students of backward classes.

8. Considering the nature of offence, custodial interrogation of the applicant is essential. No case for pre-arrest bail is made out and hence the order:-

The application is rejected.

9. The learned senior counsel prays for the applicant prays for two weeks to approach the Hon'ble Supreme Court. Considering the fact that the offence is of the year 2015 and it is having a great impact on the society, the request so made is rejected.

(A.M.BADAR, J.)