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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 200 OF 2016**

Shashi Parmeshwaridin Pal and Anr.

...Applicants

Versus

State of Maharashtra

...Respondent

Mr. Shyam Rishi Pathak i/b Mr. Subhash Chandrapal, for the Applicants

Mr. Y.M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 9th MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 313 of 2015, registered with the Chaturshrungi Police Station, Pune (which is now transferred to EOW, Pune City) for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.
3. The applicants are ladies, who are original accused nos. 3 and
4. It appears from the charge-sheet that the complainant and several other

persons were cheated by one Parmeshwaridin Pal and Vishal Shinde. It is alleged that the said two persons induced them to part with Rs.4 - 4.5 lacs, by promising them a job with DRDO, Pune.

4. Learned Counsel for the applicants submits that the applicant no.1 is the wife and applicant no.2 is the daughter of Parmeshwaridin Pal. He submitted that there is not a single statement in the entire charge-sheet, which shows that the applicants induced the complainant or any other witnesses, to part with various amounts or induced them to make payments. He submitted that the allegations are essentially as against Parmeshwaridin Pal and Vishal Shinde and that various amounts have been given to Parmeshwaridin Pal and Vishal Shinde, by the victims. He submitted that some of the cheques for Rs.1,44,000/- and Rs.3,50,000/- were drawn in the name of the applicants, at the behest of Parmeshwaridin Pal.

5. Learned APP opposed the bail application. He submitted that a cheque of Rs.1,44,000/- was deposited in the account of applicant no.2 and a cheque of Rs.3,50,000/- was deposited in the account of applicant no.1 by the victims, at the behest of Parmeshwaridin Pal, by Parmeshwaridin

Pal himself. He submitted that infact some cheques were issued by the applicant no.2 to some of the victims, which have been dis-honoured which will show the complicity of the applicants in the said offence.

6. Perused the charge-sheet, in particular the statements of the complainant and some of the witnesses. A perusal of the statement of the witnesses show, that it was Parmeshwaridin Pal and Vishal Shinde who had assured and promised the victims a job in DRDO and had induced them to make payments from 2012 to 2015. The total amount paid by such persons was, Rs.1,73,00,000/- by cheques. In the FIR, there is no mention to the name of the present applicants and it is only in the supplementary statement, which was recorded on 29th September, 2015 that for the first time, there is a reference to the name of the applicants. Even in the said supplementary statement, there is nothing to show, that any amount was parted, pursuant to the alleged representation made by the applicants. Merely because cheques were issued by the applicant no.2 to the victims, at the behest of Parmeshwaridin Pal, cannot *prima-facie*, be said to show her complicity. It is also pertinent to note, that pursuant to the amounts received by Parmeshwaridin Pal, the said amounts were transferred by him

to one Madan Mohan Mishra, towards purchase of an agricultural land at Alibag.

7. Considering the aforesaid facts and in particular the role of the applicants and the fact that the applicants are ladies, the applicants deserve to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each with one or two local sureties in the like amount;
- (ii) The applicants shall attend the EOW, Pune City, Police Station, on the first Saturday of every month, between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein 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.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.