IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.203 OF 2017

Vellama Kannan Tewar ... Applicant
versus
The State of Maharashtra ... Respondent

Mr.Arun Rajput i/by Anjali Patil for Applicant.
Mr.Deepak Thakare, APP, for State.
Smt.J.P.Jadhav for intervenor.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 30th June 2017

PC :

1. The Applicant is seeking bail in connection with CR No.457 of 2016 registered with Dharavi Police Station for offences under Sections 420, 406 read with Section 34 of Indian Penal Code.

2. The prosecution case is that a first information report (`FIR') was lodged against Sudha Tevar. It is alleged that various persons had invested amounts with the daughter-in-law of the Applicant Sudha as well as Applicant. It is alleged that an amount of Rs.36,500/- has been credited in the bank account of the Applicant which is involved in this offence. The complainant was known to Sudha Tevar. She had taken money and gold ornaments from the complainant by saying that she will get the amount doubled. The complainant had parted Rs.18 lakh to Sudha by mortgaging gold ornaments to Laxmi Jewellers and Shubhlaxmi Jewellers. It is further alleged that Sudha had taken Rs.11 lakhs from complainant

by saying that she would return the said amount. On 31st August 2016 when the complainant went to Sudha, she found that her house was locked. The Applicant is mother-in-law of Sudha. It is alleged that the Applicant and the co-accused had acted in connivance with each other and committed the said crime by cheating the victims.

3. Learned advocate for the Applicant submitted that the Applicant is arrested on 15th November 2016. Investigation is complete and charge sheet has been filed. It is submitted that only allegation against the Applicant is that Rs.36,500/- was credited in the bank account of the Applicant. It is submitted that admittedly Sudha had played major role causing loss to other persons. The Applicant is lady and aged about 65 years and has undergone sufficient custody.

4. Learned APP submitted that the Applicant and the co-accused had connived with each other which has resulted in loss to various persons. However, it is not disputed by learned APP, on instructions, that apart from Rs.36,500/- credited in the bank account, no other amount has been credited to her account.

5. Learned advocate for the intervenor-original complainant vehemently opposed the application for bail. It is submitted that the Applicant and the co-accused had committed crime jointly. It is submitted that some more amount was handed over to the Applicant by victims and in that regard police have yet not investigated. It is further submitted that the acts of accused have caused loss to poor persons.

6. I have perused the FIR and other documents on record. The prosecution case is that the amount of Rs.36,500/- is credited to the bank account of Applicant. Admittedly the prosecution case attributes a primary role to the co-accused Sudha. The Applicant has been in custody from 15th November 2016. The intervenor can make a grievance about faulty investigation by police by resorting to appropriate remedy.

7. In view of above, I am inclined to grant bail to the Applicant. Hence, I pass following order :

ORDER

(i) The Applicant is directed to be released on bail in connection with CR No. 457 of 2016 registered with Dharavi Police Station, Mumbai on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The Applicant is directed to report the investigating officer, Dharavi Police Station, Mumbai once in a week on every Saturday between 11.00 a.m. and 1.00 p.m. till further orders;

(iii) The Applicant shall not leave the country without the permission of Court;

(iv) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST