IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.190 OF 2017

Vaikunth Pralhad Kumbhar .... Applicant

versus

State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.191 OF 2017

Mrs.Kamal Dnyaneshwar Shelke .... Applicant

versus

State of Maharashtra ... Respondent

Mr.Rahul B. Kadu, Advocate for the Applicant in ABA No.190/17.

Ms.Arazoo Y. Mujawar, Advocate for applicant in ABA No.191/17.

Mr.S.S. Pendnekar, APP for the State/Respondent in ABA No.190/17.

Mr.Prashant Jadhav, APP for the State/Respondent in ABA No.191/17.

API – Mr.Mahendra Kadam (Digi Police Station, Pune).

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 01st FEBRUARY, 2017.

P.C. :

1. These two applications are moved for pre-arrest bail by the applicants/accused. The applicants/accused are prosecuted for the offences punishable under sections 420, 406 r/w 34 of the Indian Penal Code in C.R.No.1/17 of Dighi Police Station, Taluka-Shirur, Pune.

2. One Mrs.Pramila Sunil Darekar, gave information to police that she became member of one savings group run by women by name Sanskar Mahila Bachat Gat. As per the prosecution case, the applicant/accused Vaikunth Kumbhar is the founder of the said savings group. The other accused Mrs.Kamal Shelke was working as Secretary and Vice President of that group. The complainant was assured that if amount of Rs.3,000/- is invested for a period of 3 years in that group, then returns alongwith 24% interest would be given to the investor. Therefore complainant Mrs.Pramila Darekar in the month of February 2013 formed a group of 132 women for a period of 3 years and these women invested total amount of Rs.29,10,566/-. The said amount was to be returned with interest on

16/02/2016. However, after the maturity date, when the complainant contacted the applicant/accused Kamal Shelke, at that time she issued a cheque of Rs.5,00,000/- dated 09/05/2016. The complainant deposited the said cheque. However, it was dishonoured. So she contacted the applicant/accused Vaikunth Kumbhar and informed that the cheque was dishonoured. She demanded money as she was to return the money to all the 132 women, who had invested in the said savings group. He issued cheque dated 30/07/2016 for the amount of Rs.29,10,528/-. However, she was asked not to deposit the same. She was called on 02/08/2016 in the office of the group. So Pramila Darekar again went to the said office and demanded money. At that time, the complainant, his wife Rani Kumbhar and others were present and they gave evasive answers to the complainant. Thereafter complainant realized that she alongwith other women was deceived by the applicants/accused and therefore she gave information to the police, pursuant to which the offence was registered. Hence these bail applications for pre-arrest bail.

3. The learned counsel for the applicants/accused have submitted that the applicants/accused are innocent. The applicant/accused Vaikunth Kumbhar has mortgaged his own property and he has paid a huge amount to the depositors. He further submitted that he is ready to return the money and there is no element of cheating in the present case. He further submitted on this ground he be protected.

4. The learned prosecutor opposed the application for pre-arrest bail and upon instructions of the investigating officer has submitted that apart from these 132 women, there are many women and the other groups, from whom the amounts were accepted and nothing was paid to them. The learned prosecutor submitted that in the investigation the police found that till today, the amount invested by these savings groups of with the applicant/accused is upto Rs.2,64,58,179/-. The police required custody of these persons to find out the exact nature of the transaction.

5. Perused the FIR. Perused the list of the witnesses showing the amount of Rs.2,64,58,179/- invested by them with the savings group. The investors are mostly woman doing small jobs and for them these savings are quite a big amount. The submissions of learned counsel for the applicants/accused that, the amounts were returned in cash to some of the depositors, cannot be accepted at this time when no receipts are shown. The custody of the applicants is required to find out the scope and nature of the transaction. Hence the application is rejected.

(MRIDULA BHATKAR, J.)