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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 541 OF 2017

Pooja Nagesh Pawar	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Pravin Uttam Gaikwad, for the Applicant.
Mr. Arfan Saif, APP for the Respondent-State.
Mr. Mithbavkar, PI, Jogeshwari Police Station.

CORAM : A.S. GADKARI, J.
DATE : 30th MARCH, 2017.

P. C. :

1. This is an application for pre-arrest bail under Section 438 of the Criminal Procedure Code in C. R. No. 29 of 2017 registered with Jogeshwari Police Station, Mumbai dated 28.02.2017 under Sections 420, 406, 506 read with 34 of the Indian Penal Code.
2. The First Information Report is lodged by Shri Suresh Sonar @ Soni on 28.02.2017. It is stated that the complainant was knowing co-accused Rahul Jha. The said Rahul Jha represented the complainant, the present applicant as his wife and is proprietor of M/s. R. P. Traders. The said firm was engaged in the business of supply of house keeping material and was taking contracts from various reputed companies. That the applicant and said Rahul Jha thereafter represented the complainant, if he invests substantial amount in their business, they will give 50% of profit to

him. The complainant, therefore, gathered a sum of Rs.50,000,00/- from his friends and paid the said amount in cash to the applicant. The applicant has issued a receipt to that effect. As the applicant and her partner Shri Rahul Jha neither paid any profit nor returned the principal amount which was assured to the complainant. The complainant got suspicious about their conduct and subsequently the present FIR is lodged.

3. Learned counsel for the applicant submitted that the applicant has nothing to do with the said Rahul Jha and it is the said Rahul Jha who has received the entire amount. It is submitted that the applicant is not wife of said Rahul Jha. It is submitted that the applicant is not beneficiary of the proceeds of crime. That the applicant being a lady may be protected by way of pre-arrest bail. He, therefore, prayed that the present application may be allowed.

4. Learned APP has produced before me the record of investigation of present crime. The record reveals that the co-accused, namely, Rahul Jha has been arrested on 18.03.2017. That during the course of investigation, it is revealed that as of date that there are two other similar victims, namely, Shri Aakash G. Patel and Shri Ajit Chandrakant Shinde who have been duped by the applicant and co-accused Rahul Jha to the tune of Rs.20,00,000/- and Rs.10,00,000/- respectively. It appears that it is the modus operandi adopted by the applicant and the co-accused while committing the present crime and

other crimes. Learned APP submitted that the magnitude of the present crime is enormous and Investigating Agency apprehends that there are many other victims of the crime. The statement of the witness categorically states that the applicant took equal part in the present crime not only in cheating the complainant herein but also in the case of the aforesaid two witnesses. The applicant has accepted the amount involved in the crime and has passed on receipts to that effect. The amount involved in the crime which has come to the share of the applicant is yet to be recovered.

5. After taking into consideration the gravity of the offence, the serious allegations against the applicant and the necessity of the custodial interrogation of the applicant for recovery of the amount received by her in the present crime, according to me the applicant does not deserve to be granted pre-arrest bail.

6. The application is, accordingly, rejected.

[A. S. GADKARI, J.]