IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1768 OF 2017

DINA ATUL SODHA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.K.S.Patil a/w. Mr.Ranjeeth Patil, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent – State.

Mr.G.D.Wagh, P.S.I., Central Police Station, Ulhasnagar, present in court.

CORAM : A. M. BADAR, J.

DATE : 9th OCTOBER 2017

P.C. :

1 Applicant Dina Sodha accused in Crime No.I-245 of 2017 for offences punishable under Sections 406, 420 and 506 of the Indian Penal Code (IPC) registered with Police Station Central Ulhas Nagar, at the instance of First Informant Rajni Pandey, is seeking pre-arrest bail.

2 As the Investigating Officer is present with the case diary, the learned APP requested this court to take up the application for final hearing today itself. The request so made is accepted.

3 Heard the learned advocate appearing for the applicant / accused. He submitted that, infact, a partnership deed was duly honoured and brother-in-law of the First Informant was dealing with the affairs of Mansi Petrol Pump – a petroleum outlet allotted to the present applicant / accused by Indian Oil Corporation. It is further argued that Prakash Pandey – brother-in-law of the First Informant was dealing with business affairs of the said petroleum outlet and ultimately, he misappropriated amount of Rs.21.66 lakh from the said petroleum outlet and abandoned the said business, which ultimately resulted in lodging First Information Report (FIR) by the present applicant / accused on 11th September 2007 with Miraj Rural Police Station, District Sangli. With this, the learned advocate appearing for the applicant / accused sought pre-arrest bail.

4 The learned APP opposed the application by submitting that the FIR itself reveals that the First Informant had contributed capital in the business of partnership and ultimately, the applicant / accused has not inducted her as a partner and misappropriated the amount of Rs.32.60 lakh contributed by the First Informant. The learned APP relied on statement of Abhijeet Kadam, who is subsequently running the subject petrol pump.

5 I have considered the rival submissions and also perused the case diary as well as documents of the State Bank of India, Miraj branch, tendered across the bar by the learned advocate for the applicant / accused. According to the prosecution case, Prakash Pandey – brother-in-law of First Informant – Rajni Pandey had introduced the present applicant / accused to First Informant Rajni Pandey. The First Informant further averred that the present applicant / accused represented her that a petroleum outlet is being allotted in her name and she needs one female partner. Accordingly, as per version of First Informant Rajni Pandey, she contributed capital of Rs.32.60 lakh

in order to become partner of the partnership firm for dealing affairs of petroleum dealership. First Informant Rajni Pandey further averred that she is not made partner of the said firm by applicant / accused Dina Sodha and the amount contributed by her is misappropriated by the present applicant / accused.

6 Statement of Abhijeet Kadam is recorded by the Investigator. This statement indicates that the present applicant / accused Dina Sodha met him and told him that Manager of her petrol pump namely Prakash Pandey had indulged in misappropriation and because of misappropriation committed by Prakash Pandey, she is required to deposit an amount of Rs.16 lakh. Ultimately, this witness Abhijeet Kadam started managing affairs of M/s.Mansi Petrol Pump, which was allotted to the present applicant / accused. The FIR itself reveals that Prakash Pandey is brother-in-law of First Informant Rajni Pandey and her family members were managing affairs of the petrol pump and they are acquainted with owners of several petrol pumps. On this backdrop, FIR lodged by applicant / accused Dina Sodha

subsequently reveals that affairs of Mansi Petrol Pump were being managed by Prakash Pandey – brother-in-law of the First Informant. In her FIR she averred that he has siphoned off funds of the said petrol pump to the tune of Rs.21.66 lakh. Letter issued by State Bank of India tendered across the bar by the learned advocate for the present applicant / accused showed that the State Bank of India had informed the petroleum dealer that Prakash Pandey and his associates named Avdesh Dubey and Suman Pandey are dealing with bank transactions of M/s.Mansi Petrol Pump – a petroleum dealership alloted to the present applicant / accused in respect of which she had entered into partnership with First Informant Rajni Pandey. This letter dated 29th September 2017 of the State Bank of India is a contemporaneous document issued by a nationalized bank which indicates that the petroleum outlet was being managed by none else but real brother-in-law of First Informant Rajni Pandey. Prima facie, it appears to be a dispute between partners of a partnership firm. In this view of the matter, custodial interrogation of the present applicant / accused is not at all warranted. As such, the order :

ORDER

i) The application is allowed.

ii) In the event of his arrest in Crime No.I-245 of 2017 for offences punishable under Sections 406, 420 and 506 of the Indian Penal Code (IPC) registered with Police Station Central Ulhas Nagar, the applicant / accused shall be released on bail on her executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.

iii) As a condition of this order, the applicant / accused should attend the concerned Police Station twice a month, on 1st and 3rd Monday, between 11.00 a.m. to 1.00 p.m., till filing of the charge-sheet.

iv) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

v) The application is disposed of accordingly.

(A. M. BADAR, J.)