Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1893 OF 2016

Mrs. Rajni Ajit Singh Thakur. ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Amol Jadhav, Advocate for the applicant.
Mr. Sooraj S. Hulke, APP for the State.
Mr. Ajay Kadam, Sr. P.I., Deccan Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **19th January, 2017.**

P.C.:

This Application is moved by the applicants/accused under section 438 of Cr.P.C. as they are facing prosecution under sections 409, 420 r/w. 34 of Indian Penal Code and under section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 in C.R. No. 243 of 2016. The FIR is registered at the instance of one Kiran Shantikumar Dixit who gave statement on 29th September, 2016.

3. It is the case of the complainant that he has invested money in one Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society at Shivajinagar, Pune, as the said Society promised to give attractive interest of 11.5% to 12% on the fixed deposits. He confirmed this information on enquiry. So, on 30th July, 2015 he kept fixed deposit of Rs.1 lakh for a period of one year and on maturity he was to receive Rs.1,12,569/-. Thereafter on 7th August, 2015 and 26th August, 2015 he deposited an

amount of Rs.25,000/- each for one year and on maturity he was to receive an amount of Rs.28,152/- each. Thereafter, the complainant invested an amount of Rs.25,000/- on 15th September, 2015 for 66 months in the company of the Society which was dealing with the sale and purchase of cattle and live stock and he was promised that he would be getting Rs.50,000/- on maturity. After the date of maturity of all these fixed deposits, he went to the office of Society and demanded the total amount of Rs.1,93,863/-. However, the Society informed that they are unable to return the money and told him to wait as the director of the Society was arrested. Thereafter, the complainant found that one person Vasant Kalidas Thakur, who has deposited Rs.35,00,000/- in December 2014 was also cheated by the company, as the promised money was not returned to him. It is the case of the complainant that he realized that Chairman of the Society Mr. Mahesh Motewar did not return the money to the investors after maturity of their respective deposits and thus the offence was registered against him. So the complainant also lodged the complaint for himself and for Vasant Thakur for cheating of Rs.41,53,063/- against the Society, its directors and staff including the present applicant/accused.

4. The learned counsel for the applicant/accused has submitted that the applicant was not involved in any transaction of Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society. She started working as General Manager on 21st May, 2016 only after appointment of Liquidator.

There are no evidence against the applicant/accusedthat she is beneficiary of any amount invested in Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society.

5. Learned APP relied on the affidavit filed by Mr. Ajay Ramrao Kadam, Senior Police Inspector and submitted that the company has duped many investors. She is working as General Manager and she is still collecting money for the Society and therefore, she is not to be granted pre-arrest bail.

6. Perused the documents and the affidavit of Senior Police Inspector Mr. Ajay Ramrao Kadam. *Prima facie* there is no evidence to show that this applicant/accused is beneficiary of the amount transferred from the account of Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society. This applicant/accused is working as General Manager and collecting deposits for the Society because the Society has not closed its working. Moreover, she is appointed after the appointment of Liquidator. Hence, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

<u>O R D E R</u>

(i) Application is allowed.

(ii) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount;

(iii) The applicant shall not indulge into any criminal activity, while on bail;

(iv) The applicant shall cooperate the Investigating officer and shall attend the concerned police station as and when called by the police.

5. The Application for anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)