

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2282 OF 2018

Shradha w/o. Rahul JawanjalApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. Abhijit Kulkarni I/by D.D. Abhijit & Associates for the Applicant.
Mr. S.S. Hulke APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 21st DECEMBER, 2018.

P.C.:-

The Applicant is apprehending arrest in C.R No. 322 of 2018 dated 29th April, 2018, registered with Sadar Bazar Police Station, District Solapur (City) under Sections 406, 420, 467, 468, 471, 120(B) r/w Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 The prosecution case in brief is that, the Applicant along with her husband Dr. Rahul Jawanjal and other accused persons, by misrepresenting and by submitting forged and/or fabricated documents got benefit of scholarship scheme meant for the students

taking nursing education. It is the allegation that, the Applicant along with other accused persons established two institutions and has committed defalcation of approximately Rs.63,07,246/-.

The record indicates that, the principle accused namely Dr. Rahul Jawanjal has been granted bail by the learned Sessions Judge, Solapur by its Order dated 5th September 2018. The submission, which was weighed with the learned Sessions Judge, Solapur was that, the Applicant therein was ready and willing to deposit Rs.25% of the alleged misappropriated amount and to furnish bail and to abide with the conditions imposed by the Court. The learned Sessions Judge, Solapur therefore, quantified an amount of Rs.15,80,000/- to be deposited by the co-accused in the Registry of the Trial Court.

4 The learned counsel for the Applicant submitted that the co-accused has not deposited the said amount in the Registry of the Trial Court. He further, on instructions submitted that, with a view to prove her bonafide and without prejudice to her rights and contentions, the Applicant is also ready and willing to deposit 25% of the alleged misappropriated amount i.e. Rs.15,80,000/- in the Registry of the Trial Court. The said statement is accepted.

5 A perusal of the record would indicate that the

investigation of the present crime is solely based on the documents. The Police, after completion of the investigation have already submitted charge sheet. It *prima facie* appears that, nothing further is to be investigated by the police *qua* the Applicant, except recovery of the said alleged defalcated amount. In view of the above, the Applicant can be released on pre-arrest bail.

6 Hence, the following order-

- a) In the event of arrest in C.R No. 322 of 2018 dated 29th April, 2018, registered with Sadar Bazar Police Station, District Solapur (City) the Applicant shall be released on bail on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) Applicant shall deposit an amount of Rs.15,80,000/- in the Registry of the Trial Court within a period of two weeks from today.
- c) In the event, the Applicant fails to deposit the said amount within stipulated period, the pre-arrest bail granted to the Applicant shall come to an end on 5th January, 2019 and the Investigating Agency will be

at liberty to adopt appropriate remedy in that behalf.

- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)