

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

ANTICIPATORY BAIL APPLICATION NO.864 OF 2017

Ms. Sonamben @ Pari Parmar

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. A.N. Pathan for the Applicant.

Mr. Ameet Palkar, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd JUNE 2018

P.C.:

1. By an order dated 11.05.2017 the applicant was granted interim relief.
2. Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.
3. The facts leading to lodgment of the present crime have been elaborately mentioned in the order dated 11.05.2017.

The prosecution case in nutshell is that the principal-accused Mr. Kanthil Shah, owner of 'Alytus Advisor Pvt.Ltd.' accepted Rs.66,05,000/- from about 74 persons under the pretext of giving jobs to them at abroad and subsequently defalcated the said

amount.

4. During the course of investigation, it is revealed that the said Mr. Kanthil Shah out of the said Rs.66,05,000/- has transferred an amount of approximately Rs.45,70,000/- in favour of the applicant herein for alleged production of a movie. The record of investigation indicates that the applicant is recipient of money i.e. the proceeds of the present crime.

5. It is submitted by the learned counsel for the applicant that the applicant bonafide accepted the said amount from Mr. Kanthil Shah and there is no allegation against her in the entire FIR.

It is to be noted here that the applicant might have accepted the said amount from Mr. Kanthil Shah under bonafide belief, however the basic fact cannot be overlooked that the said amount Rs.45,70,000/- is part and parcel of the proceeds of present crime acquired by principal-accused, which he has transferred in favour of the applicant herein and therefore it *prima-facie* appears that, the applicant is a recipient of the proceeds of crime.

6. Though the applicant attended the Investigating Officer on some occasions, the record of investigation indicates that she did not cooperate in the said process and the recovery of the said amount

could not be affected till date.

7. After taking into consideration the record of investigation of the present crime, it appears that the basic fact of the recovery of said amount is imperative and a consequence thereof, thorough investigation of the applicant is necessary.

8. After taking into consideration the aforesaid facts, the material of investigation available on record, the serious allegations against the applicant and the gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

9. Application is accordingly rejected.

10. At this stage, the learned counsel for the applicant submitted that the applicant intends to prefer an appeal against the present order before the Hon'ble Apex Court, and therefore, the interim relief granted by an order dated 11.05.2017 may be continued for a period of four weeks from today. At the request of learned counsel for the applicant, interim relief to continue for a period of four weeks from today.

(A.S.GADKARI, J.)