

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

ANTICIPATORY BAIL APPLICATION NO.1212 OF 2019

Kaveri Arjun Aatkar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Harshad M. Inamdar, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.123/19 registered with Kurduwadi Police Station, Solapur, under sections 406, 409, 425, 420 r/w 34 of the Indian Penal Code.

2. The FIR is lodged pursuant to the order passed by the learned J.M.F.C. Madha on 16/02/2019 in Criminal M.A. No.669/18 directing the police to register FIR and to investigate u/s 156(3) of Cr.P.C.

3. The FIR is lodged on 03/04/2019 by one Balasaheb Bhagwan Anantkalas. It is the case of first informant that he had invested Rs.2 lakhs between the period from 25/07/2008 to 25/08/2008 with Dyansagar Nagari Sahakari Patsanstha, which was a cooperative credit society. It is his case that the accused No.1 Laxman Kapre was related to him and on his inducement deposited his money with the credit society on the promise of handsome returns. However neither the principal amount nor the interest was paid to him and therefore this complaint was lodged.
4. Heard learned Counsel Mr.Harshad M. Inamdar for the Applicant and learned APP Mr.S.H. Yadav for the State.
5. Learned Counsel for the Applicant submitted that the present Applicant was never a Director of said credit society and had no concern with that society. He submitted that therefore no offence is committed by her. Her custodial interrogation is not necessary.

6. Learned APP Mr.S.H. Yadav relied on a report of the Assistant Police Inspector, Kurduwadi Police Station, dated 19/07/2019. The said report is taken on record and marked 'X' for identification.

7. I have perused that report. It is clearly mentioned in that report that the investigation did not reveal any evidence to show that the present Applicant was a Director of the said credit society and the Applicant's signature is not appearing anywhere. The report further mentions that the proceeding book for the year 2007-2008 does mention the Applicant's name, but there is no evidence to show that she was present for any of the meetings and her signature is not appearing anywhere. Finally it is mentioned in the report that the investigation does not reveal as to whether the Applicant was a Director of the said society. In this view of the report, at this stage, the investigating agency does not have any incriminating material against the present Applicant to show her involvement in the affairs of the credit

society. The investigation has not revealed anything to show that the Applicant was in any manner incharge of the affairs of the society. Therefore she cannot be held responsible for the loss suffered by the first informant. Therefore, at this stage, since there is no incriminating material against the present Applicant in the investigation carried out so far, custodial interrogation of the Applicant is not justified. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.123/19 registered with Kurduwadi Police Station, Solapur, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)