

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

ANTICIPATORY BAIL APPLICATION NO.1119 OF 2019

Swapna Sanjay Malvade

.... Applicant

versus

The State of Maharashtra

... Respondent

.....

- Mr.Atul Patil, Advocate for Applicant.
- Mr.V.B. Konde-Deshmukh, APP for the State/Respondent.
- Mr.V.S. Valte, PSI, Hinjewadi Police Station, Pimpri-Chinchwad, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd MAY, 2019
(VACATION COURT)**

P.C. :

1. This Anticipatory Bail Application is preferred by the Applicant for her release on bail in the event of her arrest in connection with C.No.445/19 registered with Hinjewadi Police Station on 16/03/2019 u/s 420, 465, 468, 471 r/w 34 of the Indian Penal Code. The FIR is lodged by one Pandharinath @ Uday Shinde. He has mentioned in the FIR that he got acquainted with the main accused Sanjay Malvade

in the year 2012. It is the case of first informant that Sanjay Malvade represented to him that he would help the first informant to procure Government job and for that purpose the first informant paid Rs.6 lakhs to Sanjay Malvade. Similarly, it is mentioned in the FIR that the first informant told other people from his village about Sanjay Malvade and his claim that he could procure Government jobs. Based on that, others also paid money to Sanjay Malvade. The averments in the FIR show that on some occasions the present Applicant who is the wife of Sanjay Malvade was present along with him when those amounts were paid. In all, more than Rs.36 lakhs were taken by Sanjay Malvade and the present Applicant. Since no job was given to any of the victims and since the amount was also not returned, the FIR was lodged.

2. The Applicant had preferred Anticipatory Bail Application before the Sessions Court at Pune. The application was rejected by the Additional Sessions Judge, Pune, vide order dated 25/04/2019 passed in Criminal Bail Application

No.1926/19. By the same order Applicant's son was granted anticipatory bail.

3. The main accused Sanjay Malvade was arrested and was granted regular bail by the learned J.M.F.C., 6th Court, Pune, vide order dated 16/04/2019.
4. I have perused the FIR as well as the investigation papers. The investigation papers contain statements of other victims namely Dattatray Shinde, Saurabh, Mukund Chavan etc. All these victims have the same story to tell, wherein they have mentioned that on the representation and inducement of Sanjay Malvade they have paid money for procuring jobs. On most of these occasions, the present Applicant was present with Sanjay Malvade when the money was accepted. The jobs were not given and money was misappropriated. However, except for the allegations that the present Applicant was present with her husband when the money was accepted, there is no other role attributed to the Applicant. There are no

allegations that the Applicant had herself induced or made any representation to any of the victims.

5. The main accused is already granted regular bail. I see no reason as to why the present Applicant needs to be arrested in this connection for further investigation. In these circumstances, the application is allowed and the following order is passed:

ORDER

- (i) In the event of her arrest, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.

(SARANG V. KOTWAL, J.)