

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.911 OF 2019**

Chaini Savaram Devasi & Ors. ] ... Applicants

Versus

1. The State of Maharashtra ]  
 2. Savita Madhukar Palve ] ... Respondents

Mr. Veerdhaval Kakade Advocate for the Applicants.

Ms. S. S. Kaushik, APP for State/Respondent.

Ms. Savita M. Palve, Original Complainant present.

PSI R.M. Bhoje attached to Nigadi Police Station, Pune present.

**CORAM :- SARANG V. KOTWAL, J.**  
**DATE :- 22<sup>nd</sup> JULY, 2019.**

**P. C. :-**

1. In this case, a notice was issued to the First informant who was added as Respondent No.2. She is present in the court today. The Investigating Officer is also present. He identified Respondent No.2. Respondent No.2 has assisted Ld. APP in making her submissions. Therefore, I am proceeding to decide this application. The application of main co-accused Savaram Jagaramji Devasi is already withdrawn by Ld. Counsel for that applicant.

2. The applicants are seeking anticipatory bail in connection with

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C.R.No.154/2019 registered with Nigadi Police Station, Pimpri Chinchwad u/sec. 420, 406, 465, 468, 477 A, 504 r/w 34 of I.P.C.

3. The FIR is lodged on 02/02/2019. The first informant has mentioned in her FIR that, she had started her business through M/s.Global Pharma which was a partnership firm, from May 2017 with one Savaram Jagaramji Devasi. The business was in respect of the wholesale transactions of medicines. The shop was situated at Chinchwad Station. Before the first informant joined the partnership firm of Savaram Jagaramji Devasi, he was conducting that partnership business of M/s. Global Pharma with the present Applicant No.2 Yogesh and for that purpose drug licence of Applicant No.3 was used. Applicant No.3 is wife of Applicant No.2. Applicant No.1 is wife of said Savaram Jagaramji Devasi.

4. It is the case of the first informant in the FIR that, her husband had invested Rs.42 Lakhs in their partnership firm. On the request of Savaram Jagaramji Devasi, the informant had brought Rs.40 Lakhs from her father and in addition, her father had transferred Rs.10 Lakhs through RTGS in the account of M/s.Global Pharma. The first

informant has stated that, the amount of Rs. 10 Lakhs was returned by Savaram to her father and Rs.40 Lakhs still remained with Savaram. She has stated that out of Rs.42 Lakhs invested by her husband amount of Rs.3,39,000/- was not returned. There is no dispute about remaining amount invested by her husband. She has further stated that, from their common investment, she was not given her share. It is her case that, on 16/10/2017, 18/10/2017 and 10/10/2017 in all Rs.45 Lakhs were transferred in the account Applicant No.2 from the account of M/s.Global Pharma. It is her case that, all the applicants used to threaten her. She has further mentioned in her FIR that, her signature was forged on documents for surrendering the licence which stood in her name for conducting business. Thus, she has alleged that her amount of Rs.43,39,000/- was misappropriated, her signature was forged and thus she was cheated. Based on these allegations, the FIR was lodged.

5. Heard Mr. Veerdhaval Kakade, Ld. Counsel for the Applicants and Ms. S. S. Kaushik, Ld. APP for State/Respondent.

6. Ld. Counsel for the applicants invited my attention to the

partnership deed executed between Applicant No.2 and the main accused Savaram. It was executed on 16/09/2014. The business in the name of M/s. Global Pharma was started from there. After that another document was executed on 27/10/2017 thereby Applicant No.2 had retired from the partnership and the first informant was inducted as one of the partners in the same partnership firm. The date of execution of this deed i.e. 27/10/2017 is important. There is a clause in that deed that Applicant No.2 had retired from the partnership with effect from 30/09/2017.

7. Shri. Kakade invited my attention to the clause mentioning that dues of Applicant No.2 were paid to him before execution of the document dated 27/10/2017. He had retired with effect from 30/09/2017 and therefore all his dues mentioned in the FIR were returned to him on 16/10/2017, 18/10/2017 and 10/10/2017 amounting to Rs.45 Lakhs. Hence, there was no misappropriation of the first informant's amount. She had knowledge of such payment. That amount was in respect of the legitimate dues of Applicant No.2.

8. Applicant No.3's licence was surrendered much earlier and she

had no role to play in the entire transaction. Similarly, the Applicant No.1 is the wife of main accused Savaram. She is needlessly roped in as an accused.

9. Ld. APP on instructions of the Investigating Officer has stated that there was no dispute raised in the FIR itself in respect of the amount invested by the informant's husband except for the amount of Rs.3,39,000/-. She submitted that, these applicants were pressurising the first informant.

10. The allegations are made against main accused Savaram. In so far as Applicant No.2 is concerned, submission of the Ld. Counsel that, he was paid his legitimate dues under the retirement deed is reflected in that deed itself. Therefore even Applicant No.2 does not have any role to play in the offence committed by Savaram. The licence surrender form was submitted by Savaram and not by these applicants. Therefore, even for these allegations none of the present applicants is responsible. The other allegations are too vague for which custodial interrogation is not necessary. In view of the above discussion, custodial interrogation of the present applicants is not necessary,

though, they will have to co-operate with the investigation. Hence, the following order.

***ORDER***

1. In the event of their arrest in connection with C.R.No.154/2019 registered with Nigadi Police Station, Pimpri Chinchwad, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
2. The applicants shall co-operate with the investigation.
3. Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**