IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1026 OF 2018

Monica Maria Susairaj … Applicant
Vs.
The State of Maharashtra … Respondent

WITH
CRIMINAL APPLICATION NO. 35 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 1026 OF 2018

Suresh Natahalal Dodia … Intervenor

In the matter between

Monica Maria Susairaj … Applicant
Vs.
The State of Maharashtra … Respondent

…

Mr. Naveen R. Chomal for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. Vilas V. Kute, PSI AEC, Thane is present.

…

CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JANUARY, 2019.

P.C.

1. The applicant is apprehending arrest in connection with CR No. 80 of 2018 registered with Vartak Nagar Police station for the offence punishable under Sections 420, 406, 120B, 465, 467, 468, 471, 504, 506 of Indian Penal Code. First Information Report was lodged on 9th April, 2018.

2. The case of the prosecution is that complainant was conducting business vide two companies namely Rushab Centering Accessories Private Limited (Manufacturing Company) and Raj Enterprises (Marketing Company). Complainant is looking after the affairs of Rushab Centering Associates Private Limited whereas his brother is looking after the affairs of Raj Enterprises. The complainant was introduced to Smt. Paromita Chakravarty and Sneha @ Anita Vedpathak through Vilas Mahaprekar, ex-Sarpanch. At that time said persons had represented that they are conducting marketing business of Parapan group of Tours and Travels Finance Trading. Complainant was planning to expand his business and has sought project report. The complainant was in need of raw material, machinery and finance. He was following various banks for obtaining loan. However, he was in need of guarantor for obtaining loan and had a talk with Shri Vilas Mahaprekar in that regard. Mr. Mahaprekar had informed that people are approaching Smt. Paromita Chakravarty for obtaining loan. Hence, the complainant had a discussion with Smt. Paromita Chakravarty. In September, 2015, meeting was arranged at her residence. The said meeting was attended by the complainant, his brother and nephew. In the meeting Smt. Anita

@ Sneha Vedpathak and Smt. Paromita Chakravarty were present. They informed that the complainant should produce the required documents such as project report and on that basis decision would be taken. Hence, the complainant tendered all the required documents. Thereafter, Smt. Paromita Chakravarty called the complainant to Royal Challenge Hotel and informed him that the Directors would be present at the meeting. The complainant alongwith his brother and nephew went to Hotel Royal Challenge at Thane. Paromita Chakravarty and Sneha Vedpathak and three unknown persons were present. The unknown persons were introduced by Sneha Vedpathak to the complainant as Monica Maria Susairaj as Director of Marigold Corn Traders Private Limited and Parapan Group, Hanif Sheikh Director of Marigold Corn Traders Private Limited and office incharge of Parapan Group. During the course of discussion Smt. Paromita Chakravarty stated that if the complainant accepts the terms and conditions they would provide loan to him. Monica Maria Susairaj stated that they would provide loan of Rs.30 Crores and for that they will have to execute agreement with them. The complainant consented for execution of agreement. Paromita Chakravarty informed that the loan would be provided with interest @ 10% pa for which they will have to establish their liability and security amount in the sum of Rs. 3 Crores will be deposited in the bank. The complainant was also informed that he can approach their Chartered Accountant Shri Prakash Agrawal and Shri Dinesh Agrawal for further action. The complainant informed them he would think over it and convey decision. At that time Sneha Vedpathak stated that instead of expanding the company whether he would keep thinking about the same. On the next day Smt. Paromita Chakravarty gave a call to the complainant and told him to take quick decision and visit her office at Pawai. Hence, the complainant visited the office at Pawai. He met Paromita Chakravarty and applicant below the building where the office is situated. At that time they stated that instead of sitting in the office they can have discussion at Hill Green Hotel. Paromita Chakravarty stated that complainant do not know about her and therefore he was prolonging the decision. At that time Monica (applicant) told the complainant that Paromita Chakravarty is daughter of Buddev Bhattacharya. Paromita Chakravarty stated that she has wealth worth crores of rupees and she want to invest her money into the business for that reasons she has opened the company. If the complainant is not interested then other customers are waiting in queue for obtaining loan. Thereafter, Paromita Chakravarty and Hanif Shaikh took the complainant to HDFC Bank at Opera House. After some time the complainant received the call from the landline on his mobile phone. Paromita Chakravarty spoke to him and told him to speak to the Manager. The person who was on the line represented him as Manager and told the complainant that his loan file will be cleared as the amount of Rs.157 Crore is lying in their account. Paromita Chakravarty did not take the complainant to the Manager of the bank and on inquiry about the same she told that some decisions are confidential. The complainant made arrangement of money through various sources and handed over the amount to Paromita Chakravarty to the tune of Rs.2,92,47,371. The complainant was informed that amount of Rs. 23 Crores would be directly credited into the account of the complainant. She also stated that shortly he would receive the amount. The complainant also received mail that the amount will be credited into his account shortly. However, since the complainant did not receive any amount, he made inquires with Paromita Chakravarty and he was told that there is technical problem therefore he would receive the amount on the next day. Hence, the complainant made inquiry on the next day and told the complainant that he should deposit an amount of Rs.5 Lakh. Thereafter, two cheques of Rs. 9 Crore and 8.50 Crore were handed over to the complainant. However, he was told not to deposit the same on account of technical problem. Thereafter accused gave two cheques of HDFC Banks. The cheques deposited by the complainant were dishonoured. Accused kept on assuring that amount would be disbursed to him. However, accused kept on giving false excused. Thereafter, the complainant was threatened. One person who gave his name as Milind Kadam visited the complainant and told him that he is from Mumbai Crime Branch and told the complainant that he has received the complaint from Paromita Chakravarty against him alleging that he is harassing her and that he will have to be arrested. The said person also took Rs.50,000/- for not taking action against him. Subsequently, brother of the complainant and his nephew approached Paromita Chakravarty and questioned her as to what is happening. She told them to meet her at Thane. When they visited the place referred to by Paromita Chakravarty they noticed that Milind Kadam was sitting in the said office. The complainant was threatened by Paromita Chakravarty. She also stated that she has connection with underworld. Thereafter, the complainant received call from several persons threatening him of dire consequences. First Information Report was lodged on 9th April, 2018.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected vide order dated 14th May, 2018.

4. Learned counsel for the applicant submitted that applicant has been faslely implicated in this case. She is not party to the alleged transaction. It is submitted that whatever financial claims the complainant had, they were against Paromita Chakravarty who is actual recipient of funds. The applicant is not beneficiary of any part thereof. Co-accused Paromita Chakravarty was arrested and had owed entire liability to repay back to the complainant which has been accepted by him. In pursuant to the consent terms executed between them co-accused was granted bail. The entire money was advanced by the complainant to Paromita Chakravarty. Applicant had also learned that Paromita Chakravarty had executed an agreement which complainant got executed wherein even his nephew is a witness and it was admitted that money is being lent to Paromita Chakravarty on interest of one percent. It is submitted that FIR No. 11 of 2015 was

lodged with the Crime Branch Vadodara, Gujarat. Applicant had surrendered before the Vadodara Police, however, nothing revealed during her custody. It is further submitted that she got acquainted with Paromita Chakravarty and she introduced her to her business associates. Taking the advantage of celebrity status, the applicant has been falsely implicated in this case. Media has given wide publicity. It is submitted that false averment in the First Information Report is made describing the role to the applicant. There is no chance of applicant supporting Paromita Chakravarty in any cheating because the applicant hails from respectable family. Even case registered at Vadodara, she had not cheated anybody. The complainant had absolved the applicant from criminal liability. After dealing with Paromita Chakravarty while she was in police custody during April, 2018, the complainant in consent terms dated 25th November, 2018 clarified as to how he met Paromita Chakravarty. The applicant has filed additional affidavit stating the aforesaid facts and contended that she has been falsely implicated in this case and her custodial interrogation is not necessary.

5. Learned APP submitted that there is sufficient evidence against the applicant showing her connivance in the crime. It is

submitted that applicant had participated with false representations made to the complainant. Although, Paromita Chakravarty had submitted before the trial Court that she is going to repay the amount as per the consent terms. She has not returned the amount to the informant. The First Information Report discloses the name and role of the applicant which suggests that she was equally involved in the act of cheating and therefore custodial interrogation of the applicant is necessary. Learned APP further submits that attempts were made to find out whereabout of applicant but the police could not succeed.

6. Learned counsel for the intervenor submitted that specific role has been attributed to the applicant in the First Information Report. First Information Report has been registered on 9th April, 2018. Application for anticipatory bail preferred by the applicant was rejected on 14th May, 2018. Subsequently, this application seeking anticipatory bail has been preferred before this Court which is pending without interim protection. It is submitted that applicant has been absconding since the date of registration of First Information Report. It is submitted that in September, 2015, the informant was introduced to Paromita Chakravarty and Sneha Vedpathak. From the contents of the First Information Report, it is

clear that applicant was present in the negotiation. She was introduced as Director of Marigold Corn Traders Private Limited and Parapan group. The applicant had also told the complainant that they would arrange Rs. 30 crores of loan and for that complainant will have to prove the liability and the amount of Rs. 3 crores will have to be deposited by him. The complainant parted that substantial amount and accused had acted in connivance with each other and cheated the complainant.

7. On perusal of the First Information Report, it is apparent that applicant was present in the meeting alongwith Paromita Chakravarty and others. She was introduced as Director of Marigold Corn Traders Private Limited and Parapan group alongwith other persons namely Hanif Shaikh, Director of Marigold Corn Traders Private Limited and Parapan group and Henry Fernandis, Manager of HDFC Bank. During the course of meeting, the applicant had stated that an amount of Rs.30 crores would be provided to the complainant for which they will have to execute an agreement. Subsequently, the complainant met co-accused Paromita Chakravarty who was accompanied by the applicant and all of them had discussion at Hill Green Hotel. At that time the applicant had stated that co-accused Paromita

Chakravarty is daughter of Budhdev Bhattacharya. At the same time Paromita Chakravarty had stated that she has wealth of crores of rupees and she has to invest the money in business and several other persons are willing to obtain loan from her. Thus, the role of the applicant has been specific in the First Information Report. It is the case of the prosecution that during the course of investigation co-accused Paromita Chakravarty had stated that in connivance with the applicant they have cheated several persons and out of the proceeds car has been purchased in the name of her friend and Director of Marigold Corn Traders Private Limited and gold worth Rs. 1 crore has been purchased from Jewellers at Thane and Mumbai. She has also stated that gold and the car is in possession of the applicant. Applicant had preferred an application for anticipatory bail before the Sessions Court which was rejected on 14th May, 2018. Prosecution case is that the accused had represented the complainant that loan of Rs.30 crores would be provided and towards that the security deposits of huge amount was taken. Prosecution has contended that attempts were made to trace the applicant however she was not found at her address. On making inquiries with her father it was stated that she is in Mumbai. Applicant has given various addresses.

Attempts were also made to trace her at the Gold Gym Yadavgiri, Mysore which belongs to her friend. However, she was not found available. Manager of Gold Gym Yadavgiri informed that she has not visited the said place since last 21 days. It is also the contention of the prosecution that case is registered against the applicant vide CR No. 94 of 2008 by DCB, CID for the offence punishable under Sections 302, 201, 120B read with 34 of Indian Penal Code. The counsel for the applicant however submitted that applicant has been convicted in the said case under Section 201 of Indian Penal Code and her appeal is pending. Another case vide CR No. 375 of 2015 is registered with Rabale Police Station, Navi Mumbai for the offence punishable under Section 420 read with 34 of Indian Penal Code. Another cases vide CR No. 28 of 2017 and CR No. 11 of 2015 registered with Vadadora Police Station Gujarat and DCB Police Station Vadadora for the offence of cheating, forgery and criminal breach of trust against the applicant. Lastly, one CR No. 276 of 2018 registered with Pawai Police Station for the offence punishable under Section 420, 418, 423, 406 read with 34 of Indian Penal Code.

8. Taking into consideration the aforesaid circumstances, no case for grant of anticipatory bail is made out. Hence, application

deserves to be rejected. Criminal Application No. 35 of 2019 stands disposed off.

(PRAKASH D. NAIK, J.)