

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

**ANTICIPATORY BAIL APPLICATION NO.1491 OF 2019**

Rajani Naresh Wadichar

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Rameshwar N. Gite, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Aniruddha Sawarde, Bhosari Police Station, Pimpri Chinchwad present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 10<sup>th</sup> JULY, 2019**

**P.C. :**

1. The applicant is seeking anticipatory bail in connection with C.R. No.I-762/18 registered with Bhosari Police Station under Section 420 and 406 of IPC.

2. The FIR is lodged by one Arun Kakade. He has mentioned in his FIR that his relative Kusum Kalje told him that the applicant's husband accepted money and in lieu of that he gave gold. Subsequently, when the client wanted to sell the gold,

he purchased the same at the rate prevailing at that time. The first informant got impressed with the scheme. He approached the present applicant's husband at his house. At that time, the applicant was also present. It is his case that both of them informed him about their scheme of investment for purchasing gold. Thereafter, he gave Rs.6 Lakhs to the applicant's husband. He was given 20 tolas of gold by the applicant's husband. Out of which 10 tolas was used for making ornament and 10 tolas was used to make the gold biscuit. In the year 2014, the first informant wanted to sell his gold ornaments. At that time, the applicant's husband agreed to give Rs.3,10,000/- but since at that point of time he did not have money, he promised to pay Rs.6,000/- per month. For a few months, the installment of Rs.6,000/- was paid but after few months neither the gold was given nor the money was returned. After that the first informant got his 10 tolas of gold examined through other jeweller and he was informed that the article was not gold. Thus, the informant was cheated and therefore he lodged his FIR for suffering loss to the tune of Rs.5,58,000/- at the hands of applicant's husband.

3. Heard Mr. Gite, Ld. Counsel for the applicant and Ms. Kaushik, Ld. APP for the State.

4. Shri. Gite submitted that the applicant herself did not have any role to play. The only reference to her as mentioned in the FIR is that she was present in the house and concurred with her husband, when the scheme was explained to the first informant.

5. Ld. APP pointed out the statement of Kusum Kalje which shows that the present applicant had told her that they were in need of money. There is statement of another witness Devidas Mali who has stated that the applicant had also suggested to him that they should get the ornaments made from her husband. Besides this, there are no allegations against the present applicant.

6. The FIR and all these statement of witnesses show that the applicant had only suggested them to invest their money. However, the main representation and inducement was made by

the applicant's husband. The FIR shows that the amount was given to the applicant's husband and the golden ornaments were given back by the applicant's husband. In the entire transaction the applicant had no role to play. Therefore, no purpose will be served by her custodial interrogation. Applicant deserves the protection of anticipatory bail. Hence, the following order.

**ORDER**

- (i) In the event of her arrest in connection with C.R. No.I-762/18 registered with Bhosari Police Station, 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.)**