IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2206 OF 2019

Mrs. Ashwini Ashok Dhamdhere ...Applicant
Vs.
State of Maharashtra ...Respondent

- Mr. Sandeep S. Salunkhe, Advocate for the Applicant.
- Mr. S.H. Yadav, APP for the State.
- Mr. Rajendra More, PI, with Mr. Sandeep Ghare, HC- 953, EOW, Pune Rural.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th AUGUST, 2019

P.C. :

1. The applicant is seeking her release on bail in connection with CR No. 138/19 registered at Baramati Police Station for the offences punishable under Sections 420, 406, 467, 468, 471, 409 read with Section 34 of the IPC and under Sections 3 and 4 of the MPID Act.

2. The FIR is lodged on 8th February 2019 by one Anisa Shaikh. She has stated in her FIR that on 28th December 2016 one Success Group at Pune had formed a scheme whereby women could save their money and invest it with that group. The scheme pertained to contributing rupees two hundred per month and that amount was

invested with Success Group, Pune and its branch at Lonand, Tal. Khandala, Dist. Satara. The founder member of Success Group accused Shivaji Dhamdhere and his wife Mandarani Dhamdhere came to Baramati and represented that such investment was safe. Based on their representation many women invested their money. It is mentioned in the FIR that one more entity by name Shivjeet Mudra Multistate Credit Co-operative Society Limited was formed by the accused. It is mentioned in the FIR that every investor was assured fixed payment of Rupees Two Thousands Six Hundred Eighty Eight. The investor's money was misappropriated and therefore, the FIR was lodged.

3. The present applicant was a director of Aditya Arthik Niyojan Co-Operative Credit Society, Pimpri. The aforementioned Shivjeet Mudra Co-operative Credit Society was merged in that credit society. Since the applicant was a director, she was made an accused in the present crime. The applicant is arrested on 26th March 2019 and since then she is in custody. The charge-sheet is already filed.

4. Heard, Mr. Salunkhe, learned counsel for the applicant as

well as Mr. Yadav, learned APP for the State.

5. The learned counsel for the applicant submitted that the entire charge-sheet shows that the main representation was made by Shivaji Dhamdhere and his wife Mandarani Dhamdhere. The present applicant was wife of Shivaji's brother and was on board of directors of the new entity. Apart from that there is no allegation against her. The applicant being a family member was taken on the board of directors. She was not looking after this business. The statement of the victims as well as that of the first informant do not attribute any role to the present applicant. He, therefore, submitted that applicant's custody was not necessary.

6. The learned APP opposed these submissions. He submitted that there are six more offences of the similar nature pending against M/s Shivjeet Mudra Co-operative Credit Society and Success Group. He, therefore, submitted that custody of the applicant is necessary.

7. I have considered these submissions. The statement of the informant Anisa Shaikh as well as various victims namely Sarika Wadekar, Sangeeta Salunkhe, Anjali Kale, Anuradha Suryavanshi,

Archana Bansode show that other co-accused Shivaji Dhamdhere and Mandarani Dhamdhere induced them to invest in the scheme. There is a general averment in the supplementary statements of all these witnesses that the present applicant was one of the directors of aforementioned Aditya Arthik Niyojan Co-Operative Credit Society. There is a general statement that these directors used to attend the programmes arranged by Shivaji Dhamdhere and used to tell people to invest money in their scheme and to get more investment. All these statements are vague and general. No specific role is attributed to the present applicant. None of the victims has stated that the present applicant herself approached any of the victims and had induced any of them to invest in the scheme. Though the applicant was on board of directors of M/s Aditya Arthik Niyojan Co-Operative Credit Society, specific statements of the victims show that it was only the co-accused who had induced them into investing in their scheme. The applicant has not played any role in such investments. The investigating agency does not have any material to show that the present applicant had received any amount personally or in her personal account. Thus, though the applicant is facing the prosecution, her continuous detention during the pendency of the trial is not necessary. The chargesheet is already filed. Though there are other offences registered against Aditya Arthik Niyojan Co-Operative Credit Society, the investigation in respect of those offence can go on and the applicant will have to answer those charges under those investigations. Today, I am only considering her prayer for bail in connection with CR No.138/19.

8. In my view no further purpose would be served by keeping her in custody in connection with the present crime. She is already in custody from 26th March 2019. No concrete material is brought forth by the investigation agency against the present applicant showing her specific role. The applicant is a lady having two school going children.

9. In view of this discussion, I am inclined to grant bail to the applicant. Hence, the following order:-

ORDER

(i) The Applicant is directed to be released on bail in connection with C.R. No. 138/19 registered at Baramati Police Station, 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.)