IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3248 OF 2018

Aditi Amit Sawant .. Applicant
Vs.
State of Maharashtra .. Respondent

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Mr.Mahendra Shingade, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

Mr.Bharat Ghane, API, Vanrai Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 10, 2019.

P.C. :

This is an application for bail in connection with C.R.No.27 of 2018, registered with Vanrai Police Station, Mumbai, for the offences punishable under Sections 120-B, 465, 467, 471, 420 and 406 of Indian Penal Code ("IPC", for short). Applicant is arrested on 2nd August, 2018. Investigation is completed and charge–sheet has been filed. Applicant had preferred an application for bail before the Sessions Court, which has been rejected on 31st October, 2016.

2 The prosecution case is that Amit Sawant (husband of the applicant) was secretary of Bimbisar Nagar Suyog Co-operative Housing Society Limited, Goregaon since 14th August, 2010 In the audit of 2012-13, 2013-14 and 2014-15, it was found that an amount of Rs.73,21,402/-, has been transferred from time to time in the account of B.M. Corporation from the account of the society. It was shown to be paid towards taxes and false and fabricated tax receipts have been filed on record of society. It was not paid to appropriate authority. However, same were not paid to the concerned Authority. B.M. Corporation is shown as proprietary concern of the applicant. FIR was registered. Investigation proceeded. Applicant and her husband were arrested and since then they are in custody.

3 The contentions of the applicant is that she is housewife and has not participated in the alleged act of forgery. She has to look after her children who are studying in H.S.C. Her husband is also in custody. The primary role is played by the other accused. Learned APP, however, submitted that the amount was transferred to the proprietary concern of the applicant. The amount was withdrawn by the applicant and thereafter the same was siphoned off. Thus, there is clear involvement of the

applicant in the crime. Only an amount of Rs.12,00,000/-, was transferred to the account of the appropriate Authority and rests of the amount has been misappropriated. Learned APP submits that the applicant and other accused had submitted forged documents.

4 It is pertinent to note that the applicant's husband is in custody. There is nothing to indicate that the applicant has forged the documents. However, apparently the amount was deposited in the proprietary concern, which stands in the name of the applicant. Considering the fact that the applicant is in custody from the date of arrest, investigation is completed and charge–sheet is filed and considering the facct that applicant is lady and role attributed to the applicant, her further detention is not necessary. Hence, case for grant of bail is made out.

5 Hence, I pass the following order:

:: O R D E R ::

(i) Bail Application No.3248 2018, is allowed;

(ii) Applicant is directed to be released on bail in connection with C.R.No.27 of 2018, registered with Vanrai Police Station, Mumbai, on her furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

(iii) Applicant shall attend Vanrai Police Station, Mumbai, once in a month on first Saturday between 11:00 a.m. to 01:00 p.m., till further orders;

(iv) Bail Application stands disposed of.

(**PRAKASH D. NAIK, J.)**