

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2659 OF 2018

Rajashree Nitin Dighe] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Subhash Desai a/w Mr. Krishna Shahane, Advocate for the Applicant.

Mr. Rajan Salvi, APP for the State/Respondent.

Mr. Vikas Shivarkar a/w Mr. Pravin Dabade, Advocate for the Intervener.

Mr. B.R. Jagdale HC 525 attached to Shirgaon Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 1st JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R. No.689/2018 registered with Talegaon Dabhade Police Station, Pune u/sec. 420, 467, 468 r/w 34 of I.P.C.

2. The FIR is lodged by one Bajirao Ambhore. He has mentioned in his FIR that he was owning ancestral piece of land bearing Gut No.110/1/A admeasuring 2 Hecter 40 R. He want to sale that land to one Ramdas Kakade. For that purpose when the search report was

obtained, it was found that about 99.71 R of the said property was already sold to one Shantabai Kakade on 20/12/2017 vide document registration no.7514/2017. The registered document was having signatures of Nitin Dighe, Rohidas Marathe and Gulab Verma. Nitin Dighe is husband of the first informant's grand daughter Rajashree Dighe. Said Rajashree is the applicant in this application. The FIR further mentions that in the said transaction, the purchaser Shantabai Kakade had paid Rs.50 Lakhs. The amount was deposited in Saving Bank Account of Sant Sopankaka Sahakari Bank Ltd., Saswad Branch, Talegaon Dabhade. Purportedly that account was of the first informant. However, it is his case that he had never opened this account. From that account the money was transferred in the applicant's account and thereafter it was transferred to the account of her husband Nitin. The FIR further mentions that the informant remembered that Nitin had taken him to the Sub Registrar's Office and had obtained his signature on certain documents at the time of registration of these documents. It is the case of the first informant that he was not aware of the contents of those documents. On these allegations, the FIR was lodged.

3. The allegations in the FIR against the present applicant are that when the amount of Rs.50 Lakhs was transferred from the fake account of the informant, the amount was deposited in the applicant's account and thereafter it was transferred to Nitin Dighe's account. This is the only role attributed to the applicant. In the entire offence, the main role is attributed to Nitin Dighe. It is the case of the first informant that Nitin Dighe had taken the first informant to the Sub Registrar's Office when his signatures were obtained and finally the amount had gone in Nitin Dighe's account. Thus, the applicant had practically no role to play, only her account was used by her husband.

4. Ld. APP has informed that the said Nitin Dighe is already arrested and is released on bail.

5. Considering the allegations against the present applicant, it is clear that she has not played any active role though her account was used at an intermediate stage. Finally the amount had gone into the account of her husband Nitin Dighe. Thus, it appears that even the present applicant was used by her husband in the entire offence. Considering this aspect, custodial interrogation of this applicant is not

necessary though she will have to co-operate with the investigation. It is also important to note that the applicant is the grand daughter of the first informant, hence I am inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C.R. No.689/2018 registered with Talegaon Dabhade Police Station, Pune the Applicant be released on bail on her furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)