

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**Criminal Anticipatory Bail Application No. 253 OF 2020**

Sou. Simran W/o Khushal Asopa ...Applicant

*Versus*

The State Of Maharashtra ...Respondent

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Mr. Sanjeev P. Kadam i/b. Ramdas Hake Patil, Advocate for the Applicant.

Smt. A.A. Takalkar, APP, for the Respondent – State.

Mr. S.S. Pawar, Police Inspector, EOW, Solapur is present.

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

**DATE : 17<sup>th</sup> FEBRUARY, 2020**  
**[In Chamber at 5:00 p.m.]**

**P.C.**

1. The Applicant is seeking anticipatory bail in connection with C.R. No.469/2019 registered at Faujdar Chawadi Police Station, Solapur under Sections 406, 409, 420, 467, 468, 120-B, 201 of I.P.C.

2. The Applicant had previously approached this Court for the same relief vide Criminal Anticipatory Bail Application No.2004/2019. At that time, I had heard the matter. After hearing both the sides, I had expressed my disinclination to grant the relief in that application. At that time, learned Counsel for the Applicant had prayed for withdrawal of that application. That prayer was

granted and the application was allowed to be withdrawn and was disposed of as such. This order was passed on 20.9.2019.

3. The Applicant has again approached this Court with the instant Anticipatory Bail Application for the same relief.

4. I have heard Shri Sanjeev Kadam, learned Counsel for the Applicant and Smt. A.A. Takalkar, learned A.P.P. for the Respondent – State.

5. Learned Counsel for the Applicant submits that since September, 2019, the Applicant was always available, but, was not arrested. As of today, the Applicant is into fourth month of her pregnancy and is not keeping well. He submitted that co-accused Sagar Mali and Seema Mali, who are similarly placed, are granted regular bail. He submitted that considering these aspects on humanitarian ground as well as on the ground of lack of necessity to arrest her, the Applicant deserves the protection of anticipatory bail.

6. Learned Counsel for the Applicant also referred to the material against her in the charge-sheet. He submitted that inspite of this material, considering the present situation, the Applicant

deserves to be granted the protection of anticipatory bail.

7. Learned A.P.P. has opposed this application. She submitted that there are statements of witnesses showing complicity of the present Applicant. She submitted that previously this Court had not granted the relief to the Applicant. There is no change in the circumstances. The co-accused Seema Mali was granted bail on 29.8.2019 by the Sessions Court and the co-accused Sagar Mali, who was similarly placed, was granted regular bail by this Court on 20.12.2019. These two co-accused who were similarly placed were not granted anticipatory bail and, therefore, the Applicant cannot claim parity or the ground of changed circumstances in the present application.

8. I have considered all these submissions. The FIR was lodged on 20.4.2019 by one Shivanand Bhagalkoti. According to him, initially on the inducement of one Omprakash Dayma (since deceased) and subsequently on the inducement of Omprakash Dayma's son Abhijeet Dayma, he had invested around Rs.11.50 Lakhs in M/s. Omkar Auto Finance (R) and Mahalingeshwar Prasanna. Both these entities were managed by the main accused Abhijeet. According to

the first informant, this amount was misappropriated. The amount was invested on the inducement of handsome returns. However, the informant had suffered financial loss.

9. The investigation was conducted and it was revealed that apart from the first informant, there were many such investors who had suffered financial loss at the hands of the main accused.

10. The investigation is over and the charge-sheet is already filed. The allegations against the present Applicant are that she along with co-accused Sagar Mali and Seema Mali had burnt some important documents which included the receipts of above mentioned financial entities.

11. The charge-sheet includes the statement of one Kumar Sathe, who was one of the investors, and one Sachin Bhosale in this connection. According to Kumar Sathe, he had invested various amounts in these two entities. He was also one of the victims. He has stated that on 18.4.2019 his friends Subhash Bhosale had informed him that some important documents pertaining to these entities were burnt in an open place near a marriage hall. He along with his friends Prasad Kalagate and Sachin Bhosale went there.

The police were informed. The panchnama was conducted. The panchnama shows that there were some burnt documents in respect of these financial entities.

12. The charge-sheet also contains the statements of one Sachin Bhosale. One of his statements is recorded under Section 164 of Cr.P.C. on 7.6.2019, wherein he has stated that about 10-15 days prior to the Parliamentary Elections, he had seen one man and two women burning some documents. He had informed his friend Subhash Bhosle about it. He has subsequently shown the place to Subhash Bhosale and his friend Sathe.

13. Sachin Bhosale's statement recorded under Section 161 of Cr.P.C. on 10.7.2019 mentions that he had seen two women and one man setting some documents on fire. He had shown the place to Subhash Bhosale and Prasad Kalakate. He was called to E.O.W. Office at Solapur. He was shown photographs from Social Media. He had identified these photographs as those of the present Applicant, Seema Mali and Sagar Mali and according to him they had burnt those documents.

14. Thus, at this stage, there is important material against the

Applicant. However, these statements show that the Applicant's role is same as that of Sagar Mali and Seema Mali, who were granted regular bail. At the first instance, when I had declined to grant any relief to the Application, the application was withdrawn on 20.9.2019. Since then no serious efforts were made to arrest the Applicant. The Investigating Officer is present. Learned A.P.P., on instructions, states that on 30.9.2019 the police had visited the Applicant's place and in October, 2019 they visited one more address of the Applicant. However, on both these occasions, the Applicant was not found.

15. Apart from these two dates, the investigating agency has not put in any serious efforts to arrest the Applicant. In the meantime, the Applicant has become pregnant and as of today is in fourth month of her pregnancy.

16. Considering these vital aspects, on humanitarian ground as well as taking into account the fact that no serious efforts were made to arrest the Applicant, at this stage, the investigating agency has not justified the necessity to arrest the Applicant. The investigation, as on today, is being conducted by E.O.W. Solapur. The

Applicant can be directed to attend the office of E.O.W. at Solapur as and when required and to cooperate with the investigation. Therefore, in my considered view, at this stage, the Applicant can be granted the protection of anticipatory bail. Hence the following order :

**ORDER**

- i. In the event of her arrest in connection with C.R. No.469/2019 registered at Faujdar Chawadi Police Station, Solapur, the Applicant is directed to be released on bail in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- ii. The Applicant shall attend the office of E.O.W. Solapur as and when called and shall cooperate with the investigation.
- iii. Criminal Anticipatory Bail Application No.253/2020 stands disposed of in the aforesaid terms.

(SARANG V. KOTWAL, J.)