

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.978 OF 2020

Ranjana Madhavrav Marathe ...Applicant

Versus

The State of Maharashtra ...Respondent

...
Mr. A.G. Talhar, Advocate for the applicant.
Mr. V.M. Kagne, APP for the respondent-State.
...

**CORAM : SMT. VIBHA KANKANWADI, J.
RESERVED ON : 05th JANUARY, 2021
PRONOUNCED ON : 18th JANUARY, 2021**

ORDER:-

1. The applicant is apprehending her arrest in connection with Crime No.36 of 2020 dated 02.04.2020 registered with Kasoda Police Station, District Jalgaon, for the offences punishable under Sections 406, 417, 420, 465, 471, 468, 506 of the Indian Penal Code and therefore, she has filed the present application under Section 438 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. A.G. Talhar for the applicant and the learned APP Mr. V.M. Kagne for the respondent-State.

3. It has been vehemently submitted on behalf of the applicant that FIR has been instituted with a malafide intention against the applicant. The applicant stays alone and therefore, she is targeted oftenly by the villagers. She has made

complaint against many persons in the past and now, she is being targeted by false implication. The informant in the FIR states that the present applicant had represented to many ladies in January 2014 that she would start the Bachat Gat and then by taking them in confidence, the bank account was opened. She did not take any post in that group, however, she was suppose to operate the bank account and it is stated that all the members had deposited about Rs.2,64,000/- periodically, which were to be returned after five years i.e. in January 2019. When all the members went to the applicant, she avoided to pay and took time till 30.01.2020. On 30.01.2020, it was told by her that she has deposited a cheque in the bank and after its encashment, she would give the amount to all of them. Thereafter also she did not give the amount and therefore, all the members went to her house but she flatly refused. Thereby, she has misappropriated the amount.

4. It has been vehemently further submitted that no such part has been played by the applicant as stated in the FIR. The applicant is serving as Anganwadi Sevika and she has a source of income. She never operated the bank account. The physical custody of the present applicant is not required for the purpose of investigation.

5. Per contra, the learned APP strongly objected the application and submitted that the statements of members of

the said Bachat Gat have been taken and all of them have supported the contents of the FIR. They all have stated that they use to give monthly installment to the applicant. Certain documents have been seized during the investigation and even the bank account statement would show periodic withdrawals. It appears that the applicant has taken disadvantage of illiteracy of those ladies, who were the members of Bachat Gat. Possibility of having certain documents in possession of the applicant cannot be ruled out and therefore, her custody is required for the purpose of investigation.

6. At the outset, the investigation that has been carried out till date would show that the bank documents appears to have been collected from the bank which were available and the informant appears to be not disputing those documents i.e. opening of the bank account, a resolution that was passed by the group for opening it. In the resolution, it is absolutely not mentioned that the applicant would be the authorized person to operate the account. In fact, the photocopy of the resolution dated 12.03.2014 does not show that the present applicant was anyway member of the Bachat Gat. From the said resolution passed by those 20 members, it can be gathered that some of them are totally illiterate and some of them can only sign. There was no hurdle for them to take assistance of a literate person. Further the papers would show that notice under Section 91 of the Code of Criminal

Procedure was issued by the Investigating Officer to the present applicant for production of certain documents and her explanation has been taken in which she has specifically stated that she is not possessing any document which was called by the Investigating Officer. Under such circumstance, except the words of the witnesses, there appears to be no connection between the alleged offence and the applicant. This Court do not want to enter into the point of false or revengeful implication of the applicant. As the custody of the applicant is not required, she deserves to be released on anticipatory bail. Hence, the following order is passed:

ORDER

- I) The application stands allowed.
- II) In the event of arrest of the applicant in connection with Crime No.36 of 2020 dated 02.04.2020 registered with Kasoda Police Station, District Jalgaon, for the offences punishable under Sections 406, 417, 420, 465, 471, 468, 506 of the Indian Penal Code, she be released on P.R. Bond. of Rs. 30,000/- (thirty thousand) with two sureties of Rs.15,000/- (fifteen thousand).
- III) The applicant shall remain present before the Investigating Officer on every Sunday between 10.00 am to 12.00 pm till filing of charge sheet.
- IV) The applicant shall not tamper with the evidence of the prosecution in any manner and shall cooperate with the

investigation.

V) The applicant shall not indulge in any criminal activity.

(SMT. VIBHA KANKANWADI, J.)

Mujaheed//