

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2029 OF 2021**

Sapana W/o Abhijit Dyma

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Ramdas Hake Patil, Advocate for Applicant.

Smt.Veera Shinde, A.P.P. for Respondent-State.

Mr.Dorge, P.I., EOW, Solapur is present.

CORAM : A.S. GADKARI, J.**DATE : 7th September, 2021.****P.C. :**

1. Applicant is apprehending arrest in connection with C.R. No.469 of 2019, dated 20th April, 2019, registered with Faujdar Chawadi Police Station, Solapur for the offence punishable under Sections 406, 409, 420, 467, 468, 201 r/w 120(B) of Indian Penal Code (*I.P.C.*) and Sections 3 and 6 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (*M.P.I.D. Act*).

2. Heard Mr. Hake Patil, learned counsel for the Applicant and Smt.Shinde, learned A.P.P. for State. Perused entire charge-sheet.

3. The prosecution case in brief is that, Omprakash R. Dayma who

expired on 23rd September, 2018, had established a firm by name 'M/s.Onkar Auto Finance' in the city of Solapur and had also obtained Money Lenders Licence from the Government. Subsequently, the said Omprakash R. Dayma along with co-accused Nos.2, 3 and 5 established another firm by name, 'M/s. Mahalingeshwar Finance' and also obtained Money Lenders Licence in the name of said firm. The said firm thereafter accepted various deposits from the investors for their various schemes by promising them to give higher rate of interest, than prescribed by the Reserve Bank of India. Subsequently, the said firms did not return the assured amounts to the investors and therefore the informant, namely, Shivanand R. Bagalkoti lodged the present crime.

4. Record indicates that, initially Omprakash R. Dayma along with Anveerappa C. Motgi, Eknath S. Ghagde and Vidya A. Yalla used to look after the affairs of said firm. That, co-accused Ramakant Sarawade, Anveerappa C. Motgi and Smt. Kishori Omprakash Dayama were partners of the said firm. It is also the prosecution case that, after the demise of Omprakash R. Dayma, his son Abhijit Dayma (co-accused) and the Applicant i.e. wife of Abhijit Dayma used to look after the affairs of the said firm. Record further indicates that, during the course of investigation of the present crime, co-accused Anveerappa Motgi, Eknath Ghadge and Smt. Kishori Omprakash Dayma were arrested by the police and have now been released on regular bail. The other co-accused, namely, Abhijit Omprakash Dayma is still behind the bars. That,

co-accused Ramakant Sarawade and Smt. Sushma S. Asapure have been granted pre-arrest bail by the Court. During the course of investigation, police have recorded statements of various witnesses.

5. Perusal of statements of witnesses would indicate that, the only role ascribed to the Applicant herein is that, she along with her husband Abhijit Dayma used to look after the affairs of the said firm after demise of Omprakash R. Dayma. There is no allegation against the Applicant that, she instigated any of the investors to invest and/or deposit amounts in the said firm with an assurance to give them high rate of interest on it. She has no direct role to play in the present crime. The investigation of the present crime is already completed and police have submitted charge-sheet.

It further appears that, the properties of the said firms and other co-accused persons including the husband of the Applicant i.e. Abhijit Dayma have been attached by the Investigating Agency and the report of the same has been forwarded to the Competent Authority. A notification dated 15th April, 2021 under Section 5 of M.P.I.D. Act has been published by the Competent Authority in that behalf.

6. In view of the above, this Court is of the opinion that, the custodial interrogation of present Applicant for further investigating of present crime is not necessary and the Applicant can be protected by pre-arrest bail.

7. Hence, the following Order :-

- (i) In the event of arrest in C.R. No.469 of 2019, dated 20th April, 2019, registered with Faujdar Chawadi Police Station, Solapur, the Applicant shall be released on bail on her furnishing PR. bond in the sum of Rs.25,000/- with one or two separate local sureties in the like amount.
- (ii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iii) Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons and/or exempted by the Trial Court.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]