

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1405 OF 2019

Mrs. Sushma Shivram Asapure Applicant

Vs.

The State of Maharashtra Respondent

**WITH
CRIMINAL APPLICATION NO. 1107 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.1405 OF 2019**

Shivanand Revansiddhappa Bagalkoti.... Intervenor

In the matter between

Mrs. Sushma Shivram Asapure Applicant

Mr. Shriram S. Chaudhari for Applicant in ABA 1405 of 2019.

Ms. Sharmila S. Kaushik, APP for State.

None for Intervenor.

Mr.Sunil B. Dorge, PI, EOW, Faujdar Chawadi PS. Solapur City present

Coram : NITIN W. SAMBRE, J.

Date : 2nd AUGUST 2021

P.C.:

1. This is an application by a female seeking pre-arrest bail in Crime No. 469 of 2019, registered with Faujdar Chawadi Police Station, Solapur for the offence punishable under Sections 406, 420, 409, 467 and 468 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999.

2. This Court (Coram : Sarang V. Kotwal, J.) vide order dated 1st July, 2019 has already granted ad-interim protection in favour of the applicant.

3. The contention of Mr. Chaudhari, learned counsel appearing for the applicant are, out of two Firms namely M/s Omkar Auto Finance and M/s Mahalingeshwar Finance, who were holding money lending license, the applicant was one of the partner in M/s Mahalingeshwar Finance Company that too upto 18th May, 2016 and she stood retired on 19th May, 2016. The Counsel would further claimed that the main accused i.e. accused No. 1 Mr.Omprakash Dayma, who is no more, was

managing affairs of Firm alongwith his son Abhijit Dayma and that being so, the applicant cannot be made responsible for mismanagement of the firm thereby promising the returns assured.

4. Learned APP, on instructions from the I.O. informs that the property of the applicant- Mrs. Sushama is already attached. She would further claimed that the charge-sheet in the matter has already been filed against other accused person and that being so, custodial interrogation of the applicant is not warranted, provided that the applicant attends and co-operate with the investigation.

5. Having regard to the fact that the applicant is already on ad-interim protection for last two years, her property is already attached and her statement that she stood retired from the Firm M/s Mahalingeshwar Finance Company on 19th May, 2016 and was never partner in the firm M/s Omkar Auto Finance, her ad-interim protection deserves to be confirmed. Hence, the following order :

ORDER

i) In the event of arrest in Crime No. 469 of 2019, registered with Faujdar Chawadi Police Station, Solapur for the offence punishable

under Sections 406, 420, 409, 467 and 468 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999, the applicant be released on bail on her executing P.R. bond of Rs.25,000/- with one or more sureties in the like amount.

ii) The applicant shall attend the Investigating officer on 23rd, 25th and 27th August 2021 between 10.00 am. to 12.00 pm. and thereafter as and when directed;

iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;

6. The Anticipatory Bail Application No. **1405 of 2019** is disposed of accordingly.

7. As a consequences of above, pending Application i.e. Criminal Application No. 1107 of 2019 also stands disposed of.

(NITIN W. SAMBRE, J.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2595 OF 2019**

Ramakant Narayan Servade Applicant

Vs.

The State of Maharashtra Respondent

Mr. Priyal G. Sarda for Applicant in ABA 2595 pf 2019

Ms. Sharmila S. Kaushik, APP for State.

Mr.Sunil B. Dorge, PI, EOW, Faujdar Chawadi PS. Solapur City present

Coram : NITIN W. SAMBRE, J.

Date : 2nd AUGUST 2021

P.C.:

1. This is an application seeking pre-arrest bail in Crime No. 469 of 2019, registered with Faujdar Chawadi Police Station, Solapur for the offence punishable under Sections 406, 420, 409, 467 and 468 of the Indian Penal Code and under Sections 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999.

2. It is informed that the Firm was managed by main accused Mr. Omprakash Dayma and his son Abhijit Dayma.

3. The property of the applicant is already attached and cash of Rs.7,00,000/- is already seized from the applicant.

4. Learned APP on instructions, makes a statement that the amount of Rs.4,00,000/- which is subject matter of Crime was shown to have been received by the applicant, whereas recovery is around Rs.7,00,000/- and as such, the custody of the applicant is not required. Statement is accepted.

5. The Anticipatory Bail Application stands disposed of as infructuous.

(NITIN W. SAMBRE, J.)