

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3199 OF 2019**

Reshma Babasaheb Nadaf .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Priyal G. Sarda for the Applicant.

Mr. Y.Y. Dabake, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 23RD JUNE, 2021.

P.C:-

1. The Applicant seeks her release on bail in C.R. No.810 of 2019, which was registered on a complaint filed by one Deepak Subhash Mahindrakar on 20/10/2019. In connection with the said C.R., she has been arrested on 20/10/2019 itself.

2. The gist of the allegations levelled against the Applicant reveal that the complainant was introduced to co-accused Nagesh Kadam and he was informed that one Sahara Export Company lends amounts in the form of loan upto Rs.10 lakhs

without verifying the CIBIL. He was informed that the present Applicant, who is managing the said Company is likely to visit Solapur and he should attend if he is interested in availing the loan. Accordingly, the Complainant presented himself in Center Point Hotel where the Applicant was staying and he was informed about the loan process. It is alleged by the Complainant that she created a picture as if she runs a big company and, based on her version that he will have to pay 5% of the loan amount as process fee before disbursement of the loan, the complainant paid the amount. This resulted in registration of the FIR invoking Section 420 read with Section 34 of the IPC. On completion of investigation, charge-sheet came to be filed in 2019 itself wherein apart from the present Applicant, six other persons are also arraigned as accused.

3 When the necessary details are sought from learned A.P.P., he states that during the course of investigation, statements of 5 witnesses have been recorded, who have stated that they have deposited approximately an amount of Rs.2,34,000/- by way of process fee. Learned A.P.P. states that though 61 persons had reported that they had paid process fee, during the investigation, apart from the five persons whose statements are recorded, none of them came forward to get their statements recorded. He states that there is an amount of Rs.62 lakhs lying deposited in the account of the Applicant, but the charge-sheet did not reveal that the entire amount is by way of process fee. Mere presence of

Rs.62 lakhs in an account over a period of one years is *prima facie* not sufficient in the light of the allegations levelled and though the Applicant may be found guilty and may be convicted on the basis of the evidence, which would be brought on record by the prosecution, when the charge-sheet has been filed after completion of investigation, she cannot be kept incarcerated indefinitely, particularly when there is no apprehension expressed by the prosecution that there is any likelihood that she will flee from the course of justice and or likely to tamper with the evidence. Considering the gravity and nature of offence and further on the basis of the investigation that has been conducted, further incarceration of the Applicant pending the trial is unwarranted. She is, therefore, entitled to be released on bail subject to the following stipulation:

ORDER

- (a) The Applicant – **Reshma Babasaheb Nadaf** shall be released on bail in C.R. No.810 of 2019 registered with Sadar Bazar Police Station, Solapur on executing P.R. bond to the extent of Rs.50,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicant shall not leave Dist. Kolhapur without intimation to the Investigating Officer investigating the offence in Solapur.

4. The Application is allowed in the aforestated terms.

5. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

(SMT. BHARATI DANGRE, J.)