

BDP-SPS

Bharat
D.
Pandit
Digitally signed
by Bharat D.
Pandit
Date:
2021.02.23
17:44:56 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.528 OF 2020**

Sae Kedar Vanjape

.... Applicant.

V/s

The State of Maharashtra

..... Respondent.

Mr. Aniket Nikam i/b Mr. Vivek Arote for the Applicant.

Mr. Pravin Chavan, Spl. P.P. a/w Ms. Veera Shinde, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2021

P.C.:-

1] Heard Mr. Nikam learned Counsel for the Applicant and Mr. Chavan, learned Special Public Prosecutor appearing on behalf of the Investigating Agency.

2] Applicant is seeking regular bail in Crime No.347 of 2017 registered with Shivajinagar Police Station, Pune for allegedly committing offences punishable under Sections 420, 406, 409, 411, 418, 465, 467, 468, 471, 109, 120-b read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of MPID Act.

3] It is not in dispute that the Applicant is already chargesheeted.

As far as allegations in the FIR and Charge-sheet are concerned, investigation to the extent of present Applicant/Accused is already completed as supplementary charge-sheet is also filed against the Applicant.

4] The learned Counsel for the Applicant while trying to make out a case, would urge that in view of completion of investigation, Applicant being a female, is required to be released on regular bail, particularly having regard to the fact that she is behind the bars since 16/5/2018. The learned Counsel then would invite attention of this Court to the bail order passed in Criminal Bail Application No.5239/2019 in favour of co-accused Ashwini on 4/12/2019, thereby ordering her release under Section 438 of the Cr.P.C., bail order passed in Criminal Bail Application No.2144 of 2018 in favour of co-accused Swarupa, on 4/12/2019 thereby directing her release under Section 438 of Cr.P.C., bail order passed in MPID Case No.08 of 2018 in favour of co-accused Makrand Sakharam Kulkarni, thereby directing his release under Section 439 of Cr.P.C., bail order passed in Criminal Bail Application No.2145 of 2018 on 29/11/2019 in favour of co-accused Tanvi, thereby directing her release under Section 438 of Cr.P.C.

5] The learned Counsel for the Applicant, based on the aforesaid orders, would urge that the Applicant's case is far better than the accusation made against the aforesaid accused persons. According to him, if the allegations made in the charge-sheet and supplementary charge-sheet are appreciated, main thrust is against Deepak Kulkarni. The learned Counsel would urge that though there are transactions reflected from the Account of present Applicant wherein payments were made for purchase of land at Fulsungi and also certain amount was returned to D.S.K. Developers and D.S. Kulkarni & Company, according to him, the said transactions were under the signature of Anuradha Purandare who happens to be sister-in-law of the main accused Deepak. He would urge that Power of Attorney was got executed at the behest of the main accused D.S. Kulkarni in favour of Anuradha Purandare by the present Applicant which is misused for transferring the amount illegally in the account of the Firm referred to above. As such, apart from claiming parity with the accused persons who are already released on bail, contention is, since the Applicant is chargesheeted and investigation is complete, her further detention will be of hardly any consequence.

6] Mr. Chavan, the learned Special Public Prosecutor while opposing the claim would urge that there is sufficient material on record to infer prima facie involvement of the Applicant in serious financial offence. He would then invite attention of this Court to the pendency of proposal for sanction seeking permission to move for cancellation of bail granted to above referred accused persons with the Department of Law and Judiciary. In addition, learned Counsel would urge that if Applicant is released, trial might be delayed. As such, he has prayed for rejection.

7] Considered rival submissions.

8] As far as allegations against the present Applicant are concerned, it is required to be noted that Bank Account which is opened and operated in the name of present Applicant, amount of misappropriation is worked out to be 173,248,750/- and as far as the said amount is concerned, it is reflected from the Bank Account Statement of the Applicant that the amount had gone to the corpus of D.S.K. Developers. Apparently from the said transaction it is clear that

main accused Deepak is the beneficiary of the same.

9] It is the case of prosecution that Applicant's Bank Account was operated by sister-in-law of the main accused Deepak under the Power of Attorney and all the aforesaid transactions were completed by her, including payment to land owners of Fulsungi. In the aforesaid backdrop, it gives space to doubt the direct involvement of the Applicant in the crime in question. Apart from above, way back in 2019, co-accused Ashwini against whom similar allegations are made so also co-accused Swarupa, Makrand and Tanvi are already ordered to be released either on pre-arrest bail or regular bail.

10] In the aforesaid backdrop, in my opinion, case for grant of regular bail is made out.

11] In view of above, following order is passed.

ORDER

(i) Applicant be released on bail in C.R. No.347 of 2017 registered with Shivajinagar Police Station, Pune

for allegedly committing the offences punishable under Sections 420, 406, 409, 411, 418, 465, 467, 468, 471, 109, 120-b read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of MPID Act upon furnishing P.R. Bond of Rs 1 lakh (Rupees one lakh only) with one or more sureties in the like amount.

(ii) If so called for, Applicant shall co-operate with Investigating Agency in further investigation in the matter of involvement of other accused persons against whom investigation is still going on.

(iii) Applicant shall not tamper with the evidence or influence witnesses in any manner whatsoever.

(iv) Applicant shall not seek any adjournment in the pending Sessions Case on unnecessary grounds.

(v) If Sessions Court notices any intentional defaults on the part of the Applicant, it shall be open for the

Sessions Court to take appropriate steps for cancellation of the bail of the Applicant.

(vi) It shall be open for the prosecution to move for cancellation of the bail of the Applicant if pre-arrest bail, regular bail granted to other co-accused whose cases are referred to hereinabove is cancelled.

(NITIN W. SAMBRE, J.)