

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

ANTICIPATORY BAIL APPLICATION NO. 417 OF 2021

Nisha Ashok Tiwari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ranjeet Shekhawat i/b. M/s. Raj Legal, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent – State.

Mr. A. D. Patil ((A.S.I.) Kalyan Taluka Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. Not on board. Taken on board.
2. This is an application for anticipatory bail in C.R. No. 324 of 2019 registered with Kalyan Taluka Police Station, Kalyan, for offence under Section 406 r/w Section 34 of Indian Penal Code.
3. The complainant has alleged that the applicant was operating auction scheme in the locality since last 7 years. In 2015, the complainant started depositing Rs.10,000/- per month with the applicant along with 19 other such members with object to save money. The amount deposited by the complainant was not returned

to her. During the course of hearing of this application prosecution has pointed out that there are six persons whose statements were recorded, who had stated that they had depositing the amount with the applicant towards Bhishi.

4. Learned counsel for the applicant submits that Nilesh Shantaram More has been refunded the amount by way of cheque. The applicant is disputing the claim of Satish Sasane who is the husband of Surekha Sasane. The complainant had referred to name of Surekha in the FIR as one of the person who had deposited the amount. However, there is no reference to the name of the Satish Sasane, who had purportedly deposited Rs.50,000/-. There is no proof of such deposit. The applicant is willing to deposit the alleged amount deposited by Vaishali Shinde, Ajbatt Nadar, Ramlal Joshi, and Surekha Sasane to show his bonafides and without prejudice to his defence. It is submitted that the applicant would deposit the amount of Rs. 3,74,180/- towards the alleged claim of aforesaid four persons within one month from today. The affidavit executed by the applicant has been tendered which is taken on record.

5. In view of the submission, of the applicant, this application can be allowed.

ORDER

- (i) Anticipatory Bail Application No. 417 of 2021 is allowed;
- (iii) In the event of arrest of the applicant in connection with C.R. No. 324 of 2019 registered with Kalyan Taluka Police Station, Kalyan, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (iii) The applicant shall cooperate with the investigation as and when called for till filing of charge-sheet.
- (iv) The applicant shall abide by the undertaking.
- (v) In the event of breach of undertaking, prosecution or any of the aggrieved person will be at liberty to prefer application for cancellation of bail.
- (vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)