

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.444 OF 2018**

Vinita Raj Mumbaikar .. Applicant
vs.
The State of Maharashtra and anr. .. Respondents

Ms. Prabha U. Badadare for the Applicant.

Mr. N.B. Patil, APP for the State.

Mr. Prashant Goyal I/b. Mr. Hemant Ingle for Respondent No.2.

Mr. Dilip Malve, Naupada Police Station, Thane present.

**CORAM : M.S.KARNIK, J.
DATE : AUGUST 23, 2021**

P.C.

Heard learned counsel for the parties.

2. By an order dated 23.07.2018 this Court had granted an interim protection to the Applicant that till the next date the Applicant shall not be arrested. The interim protection is continued from time to time.

3. On 09.08.2021 when this matter was heard, learned counsel for the Applicant submitted that the Applicant is willing to co-operate with the Investigating Officer and will present herself before the Investigating Officer as and when called. Accordingly, the learned counsel for the Applicant was directed to inform the Applicant. The Applicant was directed to remain present on 17th, 19th and 21st August, 2021 between 10.00 a.m. to 1.00 p.m.

4. When the matter is called out today, learned counsel for the Applicant submitted that she has tried to contact the Applicant, but she could not establish contact. Learned counsel further submits that R.P.A.D. letters were sent by her to the Applicant on the two addresses mentioned in the cause title but the same have been returned as 'left'. Learned counsel for the Applicant expressed her inability to contact the Applicant.

5. Learned APP on the other hand submitted on instructions of the Investigating Officer, who is present in the Court, that the Applicant keeps on changing her address and did not at all co-operate with the investigation. He submits that the Applicant did not once contact the Investigating Officer and even her whereabouts are not known.

6. I heard learned counsel for the Applicant and gone through the complaint and the relevant document with the assistance of learned counsel. The FIR is filed by the informant alleging that the accused induced the complainant to enter into the partnership deed dated 01.02.2017 for running the business of ST canteen at Khopat. Perusal of the complaint and the partnership deed indicates that the complainant paid and accused accepted a sum of Rs.9,85,000/- on the pretext of it being the complainants share in the partnership. Counsel for Applicant submits that as per the partnership deed, it is mentioned that the complainant has to invest sum of Rs.3,60,000/- and Rs.75,000/-. Only these amounts

appear to be paid. She submits that the signature on the partnership deed is not of the accused.

7. From the FIR it appears that the accused induced the complainant to part with a substantial sum of money to be invested in running the business of ST canteen and the Applicant did part with the said sums pursuant to executing the partnership deed. Part of the money is deposited in the bank account of the accused. It is later revealed that the ST canteen was being run and conducted by somebody else and thus it is the allegation that the accused cheated the Applicant. Considering the nature of allegations, in my opinion, this is not a fit case to grant pre-arrest bail. It is not as if it is an allegation that the accused would be making an application for permission to run a canteen, but it appears that the accused projected to the Applicant that she is already conducting the ST canteen in respect of which the accused wanted the Applicant to enter into the partnership and invest money. This representation made the complainant to invest in the partnership.

8. The Application stands rejected also on the ground that the Applicant has failed to co-operate with the investigation despite specific directions of this Court.

9. Though I am not inclined to continue the interim protection already in operation, however, at the request of learned counsel for

the Applicant, the interim protection already in operation since 23.08.2021 to continue for a period of two weeks from today.

10. The Application is rejected.

(M.S.KARNIK, J.)

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signed by
PRADNYA
MAKARAND
BHOGALE
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2021.08.23
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