IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1184 OF 2021

Anita Sanjay Salunkhe .... Applicant
versus
State of Maharashtra .... Respondent

…....

- Mr.Nitin Sejpal, Advocate for Applicant.
- Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th MAY, 2021
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I-23/2021 registered with Vartak Nagar Police Station, Thane, under sections 420, 406 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Sushant Ambadas Padwal on 24/01/2021. He has stated that in the year 2013 he got acquainted with one Shantanu Sanjay Salunkhe. The Present Applicant is Shantanu's mother. Shantanu was having a travel

service and also was in business of selling massage bed. Shantanu and his father Sanjay told the informant that he had potential in that business and they needed finance for enhancing that business. They requested financial aid of Rs.10 lakhs and represented to the informant that he would be made a partner in their business. The informant on the basis of this representation that he would be made 50% partner in the business, paid Rs.10 lakhs to Shantanu and his father Sanjay on 24/08/2014. The informant was told that Sanjay was still in government service and the partnership was between Shantanu and the present Applicant. They told the informant that after completion of registration procedure, he would be made a partner. Sanjay gave cheque of Rs.10 lakhs by way of security. In October 2014 Shantanu and Sanjay paid Rs.50,000/- in cash to the informant to win his trust. In December 2014 Shantanu, Sanjay and the present Applicant showed registration papers in respect of their 'Net-West Traveller Services company'. They took some documents from the informant. In December 2014 Shantanu, Sanjay and the present Applicant came to his house. They requested for financial help of Rs.8 lakhs. The informant gave them Rs.8 lakhs. Again Sanjay gave cheque for Rs.8 lakhs by way of security. In February 2015 Shantanu and Sanjay again approached the first informant and requested for further financial help for their business. It is alleged that after two days Shantanu, Sanjay and the Applicant again came to his house and requested for financial help in the sum of Rs.25 lakhs. In February 2015 the informant paid them that amount. Shantanu executed a document on a stamp paper showing such payment. In March 2015 again on their representation, the informant paid Rs.2,50,000/-. Thus, in all he paid Rs.45,50,000/-. The amount was not returned. The amounts were paid between 24/08/2014 to March 2015. On this basis, the FIR is lodged.

3. Heard Mr.Nitin Sejpal, learned counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for the State.

4. Mr.Sejpal submitted that allegedly the transactions were between 2014 and 2015. The FIR is lodged much belatedly

in the year 2021. The allegations in the FIR are directed towards the Applicant's husband and son. The Applicant's husband was arrested and was granted regular bail by Judicial Magistrate First Class on 19/04/2021. He submitted that there are hardly any allegations against the present Applicant.

5. Learned APP opposed this application and submitted that the informant is cheated for his legitimate dues of Rs.45 lakhs.

6. I have considered these submissions. Perusal of the FIR shows that on some occasions, the Applicant had accompanied the other two accused Shantanu and Sanjay to the house of the informant. However, the main inducement was made by Shantanu and Sanjay. One document was executed by Shantanu on 24/02/2015. On some occasions Sanjay had issued cheques by way of security. Therefore the role attributed to the present Applicant is quite vague. In any case, the main allegations are specifically directed against Shantanu and Sanjay. Accused Sanjay is already granted regular bail. The transaction had taken

place in the year 2015. The FIR is lodged much belatedly in the year 2021. After all these years custodial interrogation of the Applicant, who is a lady, will not really serve any purpose in the facts of this case. The Applicant therefore deserves protection of anticipatory bail.

7. Hence, the following order :

<u>ORDER</u>

(i) In the event of her arrest in connection with C.R.No.I-23/2021 registered with Vartak Nagar Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)