

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

ANTICIPATORY BAIL APPLICATION NO. 1191 OF 2021

Pallavi Bhagwan Pawar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Balkrishna Joshi i/b Saurabh S. Oka, for the applicant.

Mr. Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 7th MAY, 2021

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I-266 of 2020 registered at Chitalsar Police Station, Thane , under sections 406, 420 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Balkrishna Joshi, learned Counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Sanjay Surve who had retired from the Police force. He was Deputy Superintendent of Police at Ahmednagar, before his retirement in February 2017. His son Kshitij had obtained a degree for hotel management. The informant wanted to see that he was settled down in some hotel business. The informant got acquainted with one Rohit Shetty @ Akbar Pasha and husband of the present applicant. The applicant's husband Bhagwan Pawar had represented to the informant that he was working in Ordinance Factory at Ambernath. Rohit Shetty and applicant's husband Bhagwan Pawar were partners in hotel Sunday Lodge. Both of them represented to the informant that the Ordinance Factory had a canteen employing about 1000 to 1200 employees. They told the informant that the contract for that canteen was to get over soon. They also told the informant that the Officer who was awarding the contract was known to Bhagwan Pawar. They represented to the informant that if he spent some money they could get a contract for five years for the informant's son. The informant decided to pay that money. The accused had demanded Rs. 25 to

30 lakhs in cash. However, the informant showed his reluctance to make payment in cash. Bhagwan Pawar and Rohit Shetty showed their willingness to accept money through cheques. Accordingly, the informant initially issued four cheques of the amount of Rs. 5 lakhs in the name of Bhagwan Pawar from the informant's wife's account. Subsequently, Rs. 2 lakhs was paid from the informant's wife's account and Rs. 1 lakh was paid in cash. This amount of Rs. 2 lakhs in cheque and Rs. 1 lakh in cash was accepted by the present applicant. She had gone to the informant's house to collect those amounts. In March 2016, again the informant gave a cheque of Rs. 2 lakhs to Bhagwan Pawar from his daughter's account. After that, no further steps were taken by the accused. The informant's son did not get any contract. The informant lost his money and therefore this FIR is lodged.

4. Learned Counsel for the applicant submitted that the informant had infact invested in a hotel business for which a separate agreement was executed on 29/4/2016. He submitted

that the money was paid for that purpose. He submitted that in any case the applicant did not have any active role to play in this case.

5. Learned APP opposed this application. He submitted that the agreement referred to by learned Counsel for the applicant has no concern with the allegations in the FIR. The said agreement was executed in the year 2016. The FIR is pertaining to payment made between June 2015 to May 2016.

6. I have considered these submissions. The application for anticipatory bail preferred by the the applicant's husband Bhagwan Pawar in the same connection was not allowed by this Court. That application was withdrawn. As far as the present applicant is concerned, there is only one allegation in the FIR that on one occasion, she had gone to the house of the informant and had collected amount of Rs. 1 lakh and a cheque from the informant's wife's account to the tune of Rs. 2 lakhs. Beyond that there are no allegations against the applicant in the FIR. The

allegations are directed mainly against Rohit Shetty @ Akbar Pasha and the applicant's husband Bhagwan Pawar. All the representations and inducements were made by them. The amount was taken by Bhagwan Pawar through cheques.

7. The applicant's role in the entire allegations is much lesser. No inducement as such was made by the present applicant. She is a lady. She is wife of the main accused Bhagwan Pawar. Her custodial interrogation is not necessary. The other accused Rohit Shetty was already arrested and released on bail. In this view of the matter, considering much lesser role played by the applicant, she deserves protection of anticipatory bail order.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R. No.I-266 of 2020 registered with Chitalsar Police Station, Thane, the Applicant is directed to be released on bail on her 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)