

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

ANTICIPATORY BAIL APPLICATION NO. 1190 OF 2021

1. Pallavi Bhagwan Pawar
2. Vithabai Ramdas Pawar

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Balkrishna Joshi i/b Saurabh S. Oka, for the applicant.
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 7th MAY, 2021
(Through Video Conferencing)**

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. I-311 of 2020 registered at Kasarvadvali Police Station, Thane, under sections 420 and 406 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 Jagdeep Dube. He has stated that he had got acquainted with Rohit Shetty @ Akbar Pasha and Bhagwan Pawar in the year 2015. The applicant No. 1 is wife of Bhagwan Pawar and the applicant No. 2 is mother of Bhagwan Pawar. Said Bhagwan Pawar had represented to the informant that he was working in Ordinance Factory at Ambernath as an Officer. The informant had told Bhagwan Pawar through Rohit Shetty that he was interested in making investment in hotel business. Bhagwan Pawar represented to the informant that there was a canteen in Ordinance Factory employing about 1000 to 1200 employees for which new tender was to be issued. He assured the informant that he would get him that contract. In January 2016, Rohit Shetty, Vinod Shetty and Bhagwan Pawar came to the informant's house. That time they were accompanied by both the applicants. Rohit Shetty asked the informant about his intention of investing in that business. The informant expressed his doubts Bhagwan Pawar represented to the informant that he would get a contract order issued in informant's favour, but for that the informant was required to pay some money. He demanded Rs. 35

lakhs for that purpose. It is alleged that the applicant No.1 also assured that her husband Bhagwan Pawar would get his work done. Others i.e. Rohit Shetty and Vinod Shetty also gave similar assurance. In March 2016, Bhagwan Pawar, Rohit Shetty and Vinod Shetty again met the informant and repeated their inducement. The informant decided to trust them. However, he refused to pay money in cash. Instead, he gave money through cheques. The informant thereafter transferred Rs.16 lakhs in account of Bhagwan Pawar, Rs. 8 lakhs in the account of the applicant No. 1 and Rs. 8 lakhs in the account of the applicant No. 2 through cheques. Bhagwan Pawar told the informant that by June 2016 he would get his order to conduct his business in that canteen. At that time, Rohit Shetty and Vinod Shetty were present. Subsequently Rohit Shetty and Vinod Shetty took Rs. 40,000/- from the informant but nothing was done. No order was issued in favour of the informant. The informant realised that he had lost his money and therefore he lodged this FIR.

4. Learned Counsel for the applicant submitted that the

transaction was from March to June 2016 and the FIR was lodged much belatedly after four years on 11/12/2020. He submitted that the parties had business relations and there was one transaction whereby the applicant No. 2 and the informant herein together had purchased a shop. That was done through a sale deed dated 18/09/2018. He therefore submitted that if the informant was earlier cheated by the applicant No. 2, he would not have entered into such transaction in the year 2018. There is no such mention of this transaction in the FIR.

5. Learned APP opposed this application. She submitted that the FIR itself and bank statement show that amount of Rs. 8 lakhs each, was transferred in the account of both the applicants. Therefore their complicity is seen.

6. I have considered these submissions. The FIR is lodged much belatedly. However, the delay in this case is to be looked into in the background of subsequent transaction in September 2018 whereby the applicant No. 2 and the informant had together

purchased a shop. Even at that stage, the informant did not have any grievance against any of the accused. Even otherwise, the FIR mentions that the representation and inducement were made by other accused Rohit Shetty, Vinod Shetty and Bhagwan Pawar. Only at one place there is averment that the applicant No. 1 had also assured that other accused Bhagwan Pawar would do the work. The informant had given cheques. They were deposited in the account of both the applicants. It was done at the instance of main accused Bhagwan Pawar. The applicant No.1 is his wife and the applicant no. 2 is his mother as stated earlier. It is more than clear that the amount was paid by the informant on the inducement made by the main accused Bhagwan Pawar. Both these applicants are ladies. Their custodial interrogation is not likely to reveal more than what is stated in the FIR. The main allegations are against Bhagwan Pawar, Rohit Shetty and Vinod Shetty. In this view of the matter, considering all these factors, the applicants deserve protection of anticipatory bail. However, it is also necessary that they attend the concerned Police Station and co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.I-311 of 2020, registered with Kasarvadvali Police Station, Thane, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station on 17th, 18th and 19th May, 2021 between 10.00 a.m. to 02.00 p.m. and shall co-operate with the investigation. In addition to that the applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) If the applicants do not attend the Police Station as directed, the State is at liberty to move an application for cancellation of this order.
- (iv) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)