IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1403 OF 2021

Priyanka Prakash Shetty .... Applicant
versus
State of Maharashtra .... Respondent

…….

- Mr.Suryajeet P. Chavan, Advocate for Applicant.
- Smt.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st JUNE, 2021
(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.61/2021 registered with Miraj City Police Station, Sangli, under sections 420 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Ramesh Virbhadra Kivte. He has given details as to how he was cheated by one Ajay and his associates. The Applicant is the wife of Ajay Pawar @ Abhishek Bhandare. The informant was having a jewellery shop at Miraj. He wanted financial help in the year 2018. His C.A. Sachin Deshpande told him that he was knowing Ajay @ Abhishek who was working with HSBC bank on a higher post. Deshpande represented to him that he would get loan for which his

property i.e. shop and bungalow needed to be mortgaged. It was represented that he would get a loan to the tune of Rs.1.30 Crores. Deshpande arranged meeting between the informant and Ajay @ Abhishek. The informant was told to deposit large amount by way of processing fee and for paying money to different persons for sanctioning of the loan. The FIR goes on to mention that the informant was sent some OTP number. It was represented to him that the present Applicant Priyanka was bank manager and she would call for that OTP. Then the informant should give her the OTP. The informant received a phone call purportedly from the Applicant. He gave the OTP. He was told that the loan amount would be deposited in his bank, but nothing further took place. The informant went on paying others as well and in the entire process he has lost Rs.39,83,900/-.

3. Heard Mr.Suryajeet P. Chavan, learned counsel for the Applicant and Smt.A.A. Takalkar, learned APP for the State.

4. Learned counsel for the Applicant submitted that even prior to lodging of the FIR, the Applicant had refunded the

amount which was received in her bank account. He submitted that the main allegations are directed against her husband and other associates. The Applicant has a daughter who, is 1 and ½ years of age. Considering much lesser role attributed to the Applicant and also considering refund of money Noor to the FIR sympathetic approach may be taken. The Applicant be protected.

5. Learned APP relied on the allegations in the FIR to oppose this application. She submitted that Rs.5,95,000/- were deposited by the informant in the account held by the Applicant in her own name. She submitted that as per the instructions given by the Investigating Officer, not the entire amount, but Rs.4,50,000/- from that account were refunded to the first informant prior to lodging of the FIR.

6. I have considered these submissions. In the FIR, there are allegations against the Applicant. But the major role is assigned to her husband. Comparatively a minor role is played by the Applicant. Therefore taking into account lesser role played by the Applicant and also taking into account the fact

that she has a small daughter of 1 and ½ years of age, Applicant can be protected. But she will have to cooperate with the investigation. I am also taking into account the fact that most of the amount deposited in the Applicant's account, has been refunded back to the informant prior to lodging of the FIR.

7. Hence, the following order :

<u>ORDER</u>

(i) In the event of her arrest in connection with C.R.No.61/2021 registered with Miraj City Police Station, Sangli, 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 cooperate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)