IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1560 OF 2021

Riddhi Girish Raithatha
alias Riddhi Hiren Dedhia .... Applicant

Versus

The State of Maharashtra & Anr. .... Respondents

Mr. Shadab Khopekar i/b. Harsh Sharma for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.39 of 2020 registered at Malad Police Station, Mumbai, on 31/01/2020 under sections 420 and 406 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Shadab Khopekar, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is

lodged by one Ganeshprasad Veling who was working with ICICI Bank. The case is about disbursement of loan for purchasing an old car and misappropriation of that amount. The F.I.R. has explained as to how loans were disbursed by the bank. It is mentioned that, there was a Relationship Manager who was in touch with a car dealer who was dealing in selling and purchasing old cars. Through the car dealer the bank use to verify financial status and important documents of the proposed car purchasers. If everything was in order, the bank used to sanction loan in the name of car purchaser. The amount used to be deposited with the car dealer. He was supposed to transfer the car within 60 days in the name of the purchaser. According to the procedure, the registration book of the car had to show hypothication of the car in favour of the bank.

4. In the F.I.R., there are allegations that, in August 2017; one loan application was processed in the name of Kulin Dhanani who wanted to buy a Mercedes car. The loan was sanctioned. The Relationship Manager in this case was one Manish Singh. The amount of Rs.35,88,322/- was purportedly transferred in the account of M/s. Gaurav Associates, who was a car dealer.

5. Initially, five installments of Rs.83,841/- were paid by Kulin for repayment of that loan; but subsequently, he stopped making payments. The bank made inquiries and it was revealed that the documents were fraudulent. The dealer Gaurav Associates informed the bank that the transaction was brought about by accused Baliram Lokhande, who was an Agent. The disbursed loan amount was actually deposited in the bank account of Anup Singh in stead of dealer Gaurav Associates' account. After that, the amount was transferred to the account of Baliram Lokhande. Considering that the loan transaction was fraudulent, the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the applicant has nothing to do with the entire transaction. There are no allegations against her. She was wife of one Hiren Dedhia, who was knowing other accused. At his instance, the amount of Rs.20 lakhs was deposited in the applicant's bank account. He submitted that, Hiren had passed away on 27/04/2018. Since then the applicant had remarried and at present she is into second month of her pregnancy. He submitted that, the amount which was

deposited in the applicant's account was already transferred to various accounts at the instance of her first husband. He submitted that, the applicant was merely used by her husband. She has no connection with the offence and she is not the beneficiary. He relied on bank statement of her account which is annexed at Exh. 'G'. That account shows that, there were four entries of Rs.5 lakh each; two entries were on 04/09/2017 and other two were on 06/09/2017. The amount has come from Kulin in whose name the loan was disbursed.

7. Learned APP opposed this application. She submitted that the amount has not come to the applicant's account through Kulin's account, but it has come through Baliram who was one of the main accused. She submitted that the applicant was Baliram's friend and, therefore, she was a beneficiary.

8. I have considered these submissions. In the F.I.R., there are no allegations against either the applicant or her first husband. The loan transaction was processed by different people. The car dealer was somebody else and the amount has gone in the account of Anup Singh. Learned counsel for the applicant stated that, Anup

Singh is granted anticipatory bail by the Sessions Court. As per the prosecution case, the money was transferred from Anup's account to Baliram's account and then to applicant's account. Thus, at the highest, it can be said that the applicant's account was used for depositing that money. Whether it was used at the behest of her first husband or she had willingly accepted that amount would be the matter of investigation. However, for this purpose, her custodial interrogation, at this stage, is not necessary. She has not played any role in committing fraud on the bank. Her bank statements are available and she can co-operate with the investigation by explaining how that money has come in her bank account and how it was transferred to other accounts. There is some substance in the submission of learned counsel for the applicant that the money could have come to her account at the behest of her husband. That possibility will also have to be considered by the investigating agency. In this background, considering the fact that, the applicant is now remarried and she is into second month of her pregnancy, I am not inclined to permit custodial interrogation of the applicant. The investigation can go on effectively without her custody. In this view of the matter, the applicant can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

(i) In the event of her arrest in connection with C.R.No.39 of 2020 registered at Malad Police Station, Mumbai, the applicant is directed to be released on bail on her furnishing P. R. 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.)