IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3321 OF 2021

Smt. Geeta Sanjeev Narayanan ..Applicant
Versus
State of Maharashtra ..Respondent

Ms. Pranoti B. Pawar, Advocate for the Applicant.
Ms. A. A. Takalkar, APP for the Respondent – State.
Ms. Saima Sothe, Advocate for the Intervenor.
Mr. Umaji Kadam, PSI, Goregaon Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 26th OCTOBER, 2021

P.C.

The applicant/accused No.1 is seeking regular bail in Crime No.171 of 2021 registered with Goregaon Police Station for the offence punishable under sections 406, 420, 465, 468, 471 r/w 34 of the IPC.

2. The prosecution case in brief is as under :-

Flat No.402/601, located at Asmi Complex at Goregaon was pretended to be owned by accused Sanjeev Narayanan @ Nayar husband of the present applicant. He assured to the various parties like the complainant and the witnesses to make available said flat for accommodation on heavy deposits and accepted huge amounts from number of victims. Some of the amount was received in the account of proprietory firm - M/s. Srimurka Enterprises of which applicant is shown to be proprietor. In the aforesaid background, the applicant is roped in as an accused.

3. It is informed that applicant was arrested on 7th June, 2021 and is already charge-sheeted.

4. In the aforesaid background, learned counsel for the applicant, Ms. Pawar would urge that the applicant is innocent and is falsely implicated in the crime. According to her, she is serving as a nurse and having noticed that her husband/accused No.3 - Sanjeev Narayanan @ Nayar went missing, filed a police complaint on 22nd March 2021. It is also sought to be canvassed that amount which is received in the account of applicant, even it is shown to be that of a proprietory concern, the said account was in fact operated by the other co-accused as the amount was withdrawn by them. It is further contention that even if accused No.3 i.e. husband is absconding the same does not warrant for her judicial custody as she has already suffered investigation and incarceration from the date of arrest i.e. 7th June, 2021.

5. Learned APP while opposing the prayer, submits that applicant has operated her bank account which was opened in the capacity of proprietor of the firm - M/s. Srimurka Enterprises wherein amount involved in the crime was deposited. The same *prima-facie* shows direct involvement of the applicant in the crime. Investigation in the matter is incomplete. Even though charge-sheet is filed, husband of the applicant, a co-accused is absconding. That

being so, application is prayed to be rejected.

6. Considered submissions.

7. From the record and from the statement of the witnesses as also from the documents received from the bank, it is apparent that the amount which is involved in the crime in question has been deposited in the account of the proprietory firm, namely M/s. Srimurka Enterprises of which applicant is a proprietor. Same is apparent from the registration certificate issued under the Shops and Establishment Act, so also the documents related to Income Tax.

8. Operation of the account of the said proprietory firm by the applicant for the withdrawal of the amount which is involved in the offence can be easily inferred.

9. As the applicant's husband who is a main accused is not traced and is absconding and in view of aforesaid material which depicts *prima-facie* involvement of the applicant in the crime, in my view, no case is made out for bail. Application as such stands rejected.

10. However, rejection of this application does not preclude the applicant to approach afresh for bail, once the applicant's husband is arrested.

BALAJI GOVINDRAO PANCHAL

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[NITIN W. SAMBRE, J.]