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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2555 OF 2021

RAJESH MEWAWALA ….APPLICANT

V/s.

THE STATE OF MAHARASHTRA …..RESPONDENT

WITH
INTERIM APPLICATION ST NO. 16855 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2555 OF 2021

PREETI JAYESH THAKKAR ….APPLICANT

<u>IN THE MATTER BETWEEN</u>

RAJESH MEWAWALA ….APPLICANT

V/s.

THE STATE OF MAHARASHTRA …..RESPONDENT

AND
ANTICIPATORY BAIL APPLICATION NO. 2556 OF 2021

RAKHI MEWAWALA AND ANR ….APPLICANTS

V/s.

THE STATE OF MAHARASHTRA …..RESPONDENT

WITH
INTERIM APPLICATION ST NO. 16856 OF 2021
IN

ANTICIPATORY BAIL APPLICATION NO. 2556 OF 2021

PREETI JAYESH THAKKAR ....APPLICANT

IN THE MATTER BETWEEN

RAKHI MEWAWALA AND ANR ....APPLICANTS

V/s.

THE STATE OF MAHARASHTRA .....RESPONDENT

Mr. Hrishikesh Mundargi i/b Paavani Chaddha for the applicant in both matters
Mrs. Rutuja Ambekar APP for the State
Mr. Dhrutiman S. Joshi for intervener in both matters

CORAM : NITIN W. SAMBRE, J.

DATE: 28th OCTOBER, 2021.

P.C.:

1] Applicant Rajesh is husband of applicant Rakhi whereas applicant Masumi is daughter of applicants Rajesh and Rakhi. All these three applicants are seeking pre-arrest bail in C.R. No. 598/2021 registered with Byculla police station for offence punishable under Sections 406, 409, 420 r/w 120(B) of the Indian Penal Code.

2] Prosecution case against the present applicants is, complainant and all applicants are relatives. Applicants having gained confidence of the complainant, introduced her to Nationalized bank in Mazgaon, Mumbai, processed loan application by opening account in the name of Priti Fusion Company of which she/complainant is shown as proprietor and diverted Rs. 49 Lakhs of loan amount.

3] Submissions of learned counsel for the applicant in the aforesaid background are, applicants in the backdrop of their relationship have helped complainant to establish her business. Apart from above, it is claimed that entire amount is used by the complainant for her business purpose. She having suffered business losses, by way of afterthought, initiated these criminal proceedings. It is also brought to my notice that complainant is facing proceedings before Debt Recovery Tribunal for recovery of the aforesaid amount of loan since 2018 and that being so, applicants cannot be directly or indirectly linked to the offence in question. It is also claimed that co-accused Rakhi and her daughter are not attributed any direct involvement.

4] Learned APP while opposing the prayer would urge that during initial investigation, enough material is available on record to infer prima facie involvement of the applicants in the crime in question. According to her, custodial interrogation of the applicants is necessary so as to recover the amount and also to find out the mode and the manner in which offence is committed. It is further brought to my notice that against applicant Rajesh, there are criminal antecedents of similar nature.

5] Considered rival submissions.

6] Investigation carried out till date depicts that certain papers which are bearing signature of the complainant are received from the aforesaid nationalised bank where loan account was opened.

7] It is also noticed that accused-applicant Rajesh authored documents which bears signature of the complainant. There is no plausible explanation of such act on the part of Rajesh.

8] It is already observed hereinabove that all the parties to both these applications are husband, wife and daughter and it is claimed that complainant is in relation to applicants.

9] From the investigation carried out till this date, angle of conspiracy against the applicants is prima facie inferred, as there is meeting of minds of applicants on the very same issue as to giving effect to the offence in question in the mode and manner as is reflected in the investigation papers. Family members i.e. applicants acted in such a way so as to gain confidence of the complainant, made her to part amount of Rs. 49 Lakhs in the name of business propriety firm. Applicant themselves authored certain documents and statement of the bank officials further reflects that applicant Rajesh has received amount of loan in cash after diverting same from the loan accounts of applicant. All the applicants-accused are residing together under one roof.

10] There is enough material on the record to prima facie infer the involvement of all the applicants in the crime in question. Investigating agency has justified in invoking the act of criminal conspiracy on the part of all these applicants.

11] In that view of the matter, in my opinion, no case for grant of pre-arrest bail is made out in a financial offence. Applications as such fail, stand dismissed.

12] In view of dismissal of anticipatory bail applications, intervention applications also stand disposed of.

[NITIN W. SAMBRE, J.]