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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2986 OF 2021

Mrs. Farida Shagir Bagwan ...Applicant

Versus

The State of Maharashtra ...Respondent

……
Mr. Ranjeet M. Pawar, for the Applicant .
Mrs. P.P.Shinde, APP for the Respondent -State.
……

CORAM: V.G.BISHT, J.
DATE: 17TH DECEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 420, 504, 506 read with 34 of the Indian Penal Code (the IPC) registered vide Crime No. 262 of 2021 with Jejuri Police Station, Pune Rural.

2. According to prosecution, informant's son is having a bank account with I.D.B.I Bank and he is also having an

account with Niramai Mahila Gramin Bigar Sheti Sahakari Patsanstha, Ltd., Nira (for short, "the said Patsanstha"). The applicant collects the amounts on behalf of the said Patsanstha. Prosecution alleges that the accused Farida Shagir Bagwan (applicant) and Jaid Shagir Bagwan both collected the total amount to the tune of Rs. 2 lacs from the son of informant for depositing the same with the said Patsanstha but did not deposit the same. Informant accordingly lodged the First Information Report (FIR).

3. Mr.Pawar, learned Counsel for the applicant, submits that the vague allegations are made in the FIR. There is no documentary evidence to show that the informant or for that matter his son had given any amount to the applicant for the purpose of depositing the same with the said Patsanstha. Learned counsel invited my attention to the certificate issued by Secretary and Chairman of the said Patsanstha. The said certificate is dated 5th October, 2021 and it recites that the informant's son is not a member of the said Patsanstha and

no transaction had been done in past. Similarly, he is not having an account with the said Patsanstha. According to learned Counsel, in view of above, the applicant deserves to be protected.

4. Mrs.Shinde, learned APP, on the other hand, opposed the submissions by contending that cash amount was given to applicant and other accused which they misappropriated by not depositing the same with the said Patsanstha. Having regard to the nature of accusation, application needs to be rejected, argued learned Counsel.

5. I have carefully gone through the contents of FIR. It is quite clear that except the bare words of informant, there is nothing on record to substantiate that informant's son from time to time had paid Rs. 2 lacs to the applicant for the purpose of depositing the said amount in his account with the said Patsanstha

6. I have also gone through the certificate dated 5th October, 2021 issued by the said Patsanstha. The said certificate very clearly states that informant's son is neither a member of the said Patsanstha nor had done any transaction in past. Similarly, he has no account there. This certificate abundantly and *prima facie* falsify the claim of informant that his son was having an account with the said Patsanstha.

7. Having regard to the material on record, in my considered opinion, the applicant has made out a case for anticipatory bail. Hence, the following order :

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in C.R.No. 262 of 2021 registered with Jejuri Police Station, Pune Rural for the offences punishable under Sections 420, 504, 506 read with 34 of the Indian Penal Code, the applicant be enlarged on bail on her furnishing PR & SB in the sum of

Rs. 20,000/- with one or two surety/sureties in like amount.

(iii) The applicant shall attend the concerned police station on every Monday in between 10.00 am to 1.00 noon for a period of three months.

(iv) The application stands disposed of accordingly.

(V.G.BISHT, J.)