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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2509 OF 2019

Hema Dinesh Pawar Applicant
Vs.
The State of Maharashtra Respondent

Ms.Ilsa Shaikh i/b Mr. Shantanu Phanse, for the Applicant.
Smt.P.N. Dabholkar, APP for the Respondent – State.

CORAM : M. S.KARNIK, J.

DATE : 07th AUGUST, 2021

P.C. :

. Heard learned Counsel for the Applicant. This is an application for pre-arrest bail in respect of offences punishable under sections 420, 504, 506, 34 of Indian Penal Code registered with Shrinagar Police Station, Thane on 07/06/1990 as C.R.No. 117 of 2019.

2. First informant is Suhas Rasal. He has alleged that on 01/08/2018, he came in contact with the co-accused Sau.Vidya Rajendra Pawar and through her, came in contact with the co-

accused, Mr.Dinesh Baban Pawar who happens to be the husband of the present applicant. It is alleged that Vidya Pawar informed the first informant that the husband of the present Applicant - Dinesh Pawar is doing the work of allotting government jobs in Mantralaya in return of monetary consideration. It is further alleged that Dinesh Pawar demanded an amount of Rs. 7 to 8 lakhs from the complainant in return of assurance of a government job. Accordingly, the complainant has paid an amount of Rs. 8,30,000/- to Dinesh Pawar, out of which it is alleged that an amount of Rs. 2,58,500/- was transferred in the bank account of the present applicant. On 07/06/2019, almost after 3 months, complainant approached accused No.2 to find out the progress, but accused No.2 did not respond promptly nor did he refund the money. Hence the FIR.

3. This Court by order dated 19/11/2019 recorded an undertaking on behalf of the Applicant to pay a sum of Rs. 2,58,000/- by demand draft to the complainant. In the order dated 30/01/2020 passed by this Court it is recorded that demand draft for Rs.2,58,000/- was handed over to the complainant, Suhas Rasal. Even the copy of the demand draft was taken on record and marked 'X' for identification.

4. It is thus seen that the main allegations are against the husband of the Applicant. Even it is the case of the complainant that husband of the Applicant has assured a government job towards which he has taken money, so far as an amount of Rs. 2,58,500/- transferred in the account of the Applicant is concerned, the same has been refunded by the complainant. Even the complainant in his complaint has stated that he had requested the accused to refund the money. In these circumstances, the custodial interrogation of the Applicant is not necessary. The main allegations are against the husband of the applicant. Hence, the following order.

ORDER

- (i) Application is allowed.
- (ii) The interim order dated 19/11/2019 passed by this Court is confirmed.
- (iii) In the event of arrest of the Applicant in C.R. No. 117 of 2019 registered with Shrinagar Police Station, Thane, she shall be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like amount.

(iv) The Applicant shall attend the concerned police station as and when called.

(v) The Applicant shall furnish her correct residential address and mobile phone details to Investigating Officer, if not already furnished in terms of the order dated 19/11/2019 within a period of 2 weeks from today.

(vi) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. Application is disposed of.

(M.S.KARNIK, J.)