

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

ANTICIPATORY BAIL APPLICATION NO. 2584 OF 2019

Dropadi @ Dropadabai Rajaram Bodake Applicant
versus
The State of Maharashtra & Anr. Respondents

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Mr. V. V. Purwant, Advocate for Applicant.
Mr. S. H. Yadav, APP for the State/Respondent No.1
Mr. Rajesh S. Jadhav, for Respondent No.2.

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CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.421/2019 registered with Kurduwadi Police Station, Dist. Solapur dated 9th October 2019 under Sections 120B, 166, 420, 461, 466, 467, 468, 471 read with 34 of the Indian Penal Code, 1860
2. The F.I.R. is lodged by one Dipali Bodake. The present applicant is her mother-in-law. The informant was married to

Nanasaheb Bodake. He was son of the applicant. The informant, her daughter Shreya and son Samar were staying with her parents, at the time of lodging the F.I.R. Nanasaheb died in an accident which had occurred on 14th February 2017. He had a land in his name at Village Lavhul situated at Gut No.921/2/B. The legal heirs of the deceased were entitled to monetary benefits under an Insurance Scheme. There are allegations that, the present applicant in conspiracy with other accused, who were her relatives and public servants like Talathi showed that she was the only legal heir and an entry to that effect was made. For that purpose, a forged Ration Card was created. A forged signature of the Circle Officer was used for making an application for taking financial benefits. By this modus operandi, Rs.2 Lakhs were taken by the applicant. Based on these allegations, one private complaint was lodged. An order under Section 156(3) of Cr.PC. passed and consequently the F.I.R. was lodged.

3. Heard Mr. V. V. Purwant, learned Counsel for the applicant, Mr. S. H. Yadav, learned APP for the State/Respondent

No.1 and Mr. Rajesh S. Jadhav, for Respondent No.2.

4. Shri Purwant, learned Counsel for the applicant submitted that she is an old lady. She is not well educated. She was used by her relatives. Though she is the beneficiary, the recovered amount was shared by other accused and she has not really benefited from this offence.
5. Learned Counsel for the first informant submitted that the forgery and misappropriation of the amount is obvious. The applicant can not take shelter under the submissions made by Shri Purwant, the learned Counsel for the applicant.
6. Mr. Yadav, the learned APP relied on the statements in the F.I.R. and he submitted that at this stage, there is no dispute about the allegations that forged documents were used in the offence.
7. I have considered these submissions. The applicant was protected by an interim order dated 26th November 2019. This matter is pending since long time. The applicant is an old and uneducated lady. Therefore, there is some possibility that she may have been used by other accused in misappropriating the

amount. However, prima facie it does appear that she was the beneficiary and therefore, she can not escape her liability. The allegation in the F.I.R. shows that the first informant and her children were deprived of their legal benefits. However, that would be a matter of trial and informant will of course have civil remedy. I am only considering the question of necessity of custodial interrogation of the applicant. In the background of this discussion and particularly taking into account that the applicant is an aged, uneducated lady and also because she was protected for a long time by way of an interim order, I am inclined to pass final order in this application. However, it is made clear that the rights of the informant and her children are specifically kept open and this order shall not come in way of recovering their legitimate dues.

8. Hence, the following order.

ORDER

- (i) In the event of her arrest in connection with C.R.No.421/2019 registered with Kurduwadi Police Station, Dist. Solapur, the applicant is directed to be released on bail on her furnishing

PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)