

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

ANTICIPATORY BAIL APPLICATION NO.2858 OF 2019

Sushila Prabhakar Khirid Applicant

versus

State of Maharashtra Respondent

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- Sana Raees Khan i/b. Janaki Ravi Krishnan, Advocate for Applicant.
- Ms.PN. Dabholkar, APP for the State/Respondent.
- I.O. - API Mr.Gosavi present.
- H.C. U.V. Patil, Khadak Police station, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.199/2019 dated 14/04/2019 registered with Khadak Police Station, Pune, under sections 420, 504, 506(I) r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Ms.Prannoti Sabaji Maske. She has stated that she wanted to start business and she needed

Rs.10 lakhs for it. She tried to obtain loan from various banks, but she could not get any loan. She came across an advertisement in a newspaper mentioning two telephone numbers in respect of private loans. She contacted those number. It was phone number of Applicant's son Samir. The informant went to the address given by him. There she met the Applicant and her son Samir. The Applicant told her that she was a Director of Harshvardhan Credit Society. She told the informant that if the informant pays Rs.1,00,000/- she would be given the loan required by her. The informant's case is that she paid Rs.96,00,000/- in cash. But her loan was not sanctioned. She paid Rs.15,00,000/- more for purchasing shares, but even that amount was not used for giving her shares. Instead that amount was returned. But she lost Rs.96,00,000/-. Therefore this FIR is lodged.

3. Heard Ms.Sana Raees Khan, learned counsel for the Applicant and Ms.PN. Dabholkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the

Applicant's son Samir was arrested and is granted bail. Nothing was recovered from him. She submitted that the Applicant's son had lodged NC at the same police station on 17/03/2019. It is mentioned in that NC that the first informant Pranoti Maske approached and pressurized him to find a surety for getting loan. When Samir expressed his inability, he was abused and threatened. He submitted that as a counterblast to this NC, this present FIR is lodged against the Applicant and Samir. She submitted that the Applicant has not taken any money.

5. Learned APP relied on the averments in the FIR. During investigation, statement of one Ravindra was recorded, who had made similar allegations against the present Applicant. Learned APP relied on that statement.
6. Learned counsel for the Applicant submitted that this witness Ravindra has given affidavit in the Court of JMFC, Pune, denying any such allegations against the present Applicant.

7. I have considered these submissions. The Applicant's son was arrested and was granted regular bail. His custodial interrogation has not led to recovery of any amount. There is no writing executed between the parties. Therefore as of today, the allegations of taking Rs.96,00,000/- by the Applicant is unsubstantiated allegation and it is without corroboration. The Applicant's son was already arrested and was thoroughly interrogated.

8. In this view of the matter, the Applicant's custodial interrogation is not necessary. There is a possibility that the allegations in the FIR may not be true and it could have been filed only as a counterblast to the NC lodged by the Applicant's son Samir. Therefore, I am inclined to grant anticipatory bail to the Applicant.

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.199/2019 dated 14/04/2019 registered

with Khadak Police Station, Pune, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)