

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 637/2020.

Rajashri Jagdishrao Ghorband @ Sau. Rajshri Dilip Telang.

-VERSUS-

The State of Maharashtra, P.S. Jalamb, Shegaon, District Buldhana.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for the Applicant.
Shri I.J. Damle, A.P.P. for the Non-applicant.
Ms. Maira A. Syed, Advocate for the Complainant.

CORAM : VINAY JOSHI, J.

DATE : JULY 26, 2021.

Hearing was conducted through Video
Conferencing.

2. In anticipation of being arrested in Crime No. 158/2020 registered with the non-applicant – Jalamb Police Station, District Buldhana relating to offence punishable under Sections 420, 468 read with Section 34 of the Indian Penal Code, the applicant – lady is seeking pre-arrest bail.

3. The State has resisted the bail by filing reply affidavit. Inasmuch as, the learned Counsel appearing on behalf of the informant made

submissions in resistance.

4. One Jagannath Dhule, has lodged a report on 07.08.2020 alleging that the applicant and her husband had duped him for Rs.26 lakhs by assuring them to give employment to his son and kins. It was revealed that the socalled appointment letter was fake, and therefore, the report.

5. The learned counsel for the informant would submit that infact the applicant and her husband had duped them for Rs.54 lakhs, and to that effect prior to three days a supplementary statement has been recorded. Pertinent to note that on last date of hearing, it was asked as to whether there exists any material to show that total Rs.54 lakhs were paid, on which it appears that supplementary statement has been recorded.

6. Be that as it may, as per the contents of first information report the duped amount is shown to be of Rs.26 lakhs, and admittedly out of said amount, an amount of Rs.23 lakhs have been already returned. No doubt refund of duped

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amount would not exclude the criminal liability, but, it can be considered for deciding bail.

7. The learned Counsel for the applicant would submit that entire money has been transferred by the informant to her husband Dilip, with whom she has no concern. The submission that the entire money was deposited in the account of her husband was not resisted. The applicant is a government servant working as a Teacher, and she has marital discord with her husband. In order to show her bonafides, the applicant has deposited remaining amount of Rs.3 lakhs in this Court on 20.07.2021.

8. The prosecution has pointed towards one old crime registered against the duo, however, according to the applicant, during last 5 years no charge sheet has been filed. The said submission is not disputed.

9. Already this Court has granted interim protection to the applicant prior to 10 months, which is in force till date. Having regard to all

above circumstances, the applicant, a lady government employee can be protected by imposing certain conditions. In view of this, following order is passed.

- (i) Criminal Application is allowed.
- (ii) The ad-interim order dated 13.10.2020 granted by this Court, is hereby made absolute on same terms and conditions.
- (iii) In addition, the applicant shall attend concerned police station on every alternate Sunday between 11 a.m. to 2 p.m. till the filing of the charge sheet.
- (iv) Amount of Rs. 3 lakhs deposited by the applicant be transferred to the trial Court to deal with it in its discretion and in accordance with the law.

JUDGE

Rgd.