

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

CRIMINAL APPLICATION (BA) 905 OF 2021

(Shabana @ Shifa Raj Mohd. Chaudhari..vs..State, thr PSO, PS Gadchiroli, Dist. Gadchiroli)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M.N. Ali, counsel for applicant.
Mr. N.S. Rao, APP for non-applicant /State.

CORAM: ROHIT B. DEO, J.

DATE: 27.09.2021.

Heard.

2. The applicant, who is in custody since 24.6.2019, is seeking bail in connection with Crime 130/2019, registered with Police Station, Desaiganj, Dist. Gadchiroli, for offence punishable under section 420 read with section 34 of Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. The crime is registered on the basis of report dated 12-5-2019 lodged by Mrs. Prabha Kawale alleging that the applicant-accused was acquainted with the women residents of Desaiganj Town since she was in the business of

beauty parlour and stitching classes. Accused allegedly conveyed to the women that under the NABARD scheme, a person depositing Rs. 1500/- with her would be given a stitching machine and/or other articles. She allegedly then represented that on payment of Rs. 7,000/-, she would arrange a motorcycle and one Tola gold and on payment of Rs. 50,000/-, she would arrange a four wheeler. A person depositing Rs. 60,000/- was promised house under the Gharkul Scheme.

4. It is alleged that accused 2 Nisar Mohammad actively participated in the crime and all the three accused shared a common intention to cheat the women folk of the Desaignj Town. The total amount which the gullible women folk paid to the accused is allegedly Rs. 1,41,67,000/- (Rupees One Crore Forty One Lacs Sixty Seven Thousand).

5. The material on record indeed discloses a strong prima facie case. However, the charge is not framed as yet, 150 witnesses are cited, and an early trial would be an

utopian thought.

6. The learned APP points out that applicant Shabana is facing earlier prosecution vide Crime 130/2014 and the allegation is that alongwith the co-accused, certain documents of property were forged and fabricated.

7. However, considering that the applicant is a woman and that she is already in custody since more than two years, I am inclined to grant bail.

8. This Application is allowed, subject to the following conditions:

(i) The applicant be released on bail in connection with Crime 130/2019, registered with Police Station, Desaiganj, for offence punishable under section 420 read with section 34 of Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one

solvent surety of the like amount;

(ii) While on bail, the applicant shall not indulge in any criminal activity. Breach of this condition shall ipso facto entail in cancellation of bail, if an appropriate motion is moved by the prosecution or any interested person;

(iii) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence;

(iv) The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede