

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

**CRIMINAL APPLICATION (BA) 928 OF 2021**

(Kiran w/o. Ganesh Thakur..vs.. State, thr PSO, PS Yashodharanagar, Dist. Nagpur)

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

*Court's or Judge's orders.*

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Mr. D.V. Chauhan, counsel for applicant.  
Mr. N.S. Rao, APP for non-applicant /State.

**CORAM: ROHIT B. DEO, J.**  
**DATE:21.12.2021.**

Heard.

2. The applicant is seeking bail in connection with Crime 583/2019, registered with Police Station Yashodharanagar, Nagpur, for offences punishable under sections 409, 420 read with section 34 of the Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act.

3. The prosecution case, briefly stated, is that the applicant and her husband represented to be the President and Secretary of Late Maa Bambleshwari Shantabai Bahuuddeshiya Development Association ("Society") and invited saving deposits from

prospective investors. The prosecution alleges that unrealistic high interest of 25% percent per annum was promised, and lured, as many as 330 or thereabout investors and others deposited Rs. 49,51,200/- (Rupees Forty Nine Lacs Fifty One Thousand Two Hundred). As was expected, the investors did not get back the principal, much less the promised interest. It is on the basis of report dated 25.9.2019 lodged by Mrs. Sindhu Baban Pawar that the crime is registered.

4. I have scrutinized the material in the chargesheet and it will have to be granted to the prosecution that there is a strong prima facie case inasmuch as the fact that the interest @ 25 percent was promised, leads to the inference that there was no intention from the inception to keep the promise. However, I am inclined to grant bail, notwithstanding the strong prima facie case made out by the prosecution for the reasons briefly spelt.

5. The applicant is a women, who is in custody since 27.11.2020.

6. The husband of the applicant is co-accused and is in custody.

7. The son of the applicant is a sickle cell patient, and is certified by the competent authority to be 50 percent disabled. The prosecution is not rebutting the submission that the son of the applicant is not keeping well. In any event, sufficient material in the nature of the treatment record prima facie substantiates the submission of the applicant that her son needs assistance.

8. The daughter of the applicant is also a sickle cell patient.

9. The children would need at least one of the parents to look after them. It is not the case of the prosecution that the applicant shall not be available to face the trial.

10. I may clarify that bail is granted to the

applicant on considerations noted supra, notwithstanding that the prosecution has made out a strong prima facie case.

11. This application is allowed subject to the following conditions:

(i) The applicant be released on bail in connection with Crime 583/2019, registered with Police Station Yashodharanagar, Nagpur, for offences punishable under sections 409, 420 read with section 34 of the 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;

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

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

**Judge**

Belkhede

Digitally Signed By:BELKHEDE  
RAVINDRA SURESHRAO  
P.A. to the Hon'ble Judge  
Signing Date:21.12.2021 17:49