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

CRIMINAL APPLICATION (BA) NO.1165 OF 2021

(Ku. Ashwini d/o Gulabrao Thawale Vs. The State of Maharashtra thr. PSO PS Ambazari, Dist. Nagpur)

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

Mr. U. P. Dable, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 29th NOVEMBER, 2021.

The applicant is seeking bail in connection with Crime 325/2020 registered with Police Station Ambazari, Nagpur for offences punishable under Sections 420, 468, 471, 170 and 201 of the Indian Penal Code.

2. In brief, the accusation is that between 10.03.2018 and November 2018 the applicant induced the complainant to pay her Rs.1,54,000/- (Rupees One Lakhs Fifty Four Thousand) on the assurance of securing an appointment in Bank of Maharashtra.

3. According to the prosecution, during the course of investigation, it is revealed that the applicant has induced three other persons, including relative and acquaintance, to pay her certain amount, on similar assurances. According to the prosecution, the total amount which the applicant extracted on such promises is Rs.6,00,000/- (Rupees Six Lakhs).

4. I have perused the material in the charge-sheet. While the defence appears to be that the applicant herself is a victim of one Pankaj Jaiswal, who issued in her favour an appointment order purportedly signed by the Chairman of Bank of Maharashtra, there is a strong *prima facie* case against the applicant. The Whatsapp conversations which are filed along with the charge-sheet are self-speaking. The applicant has claimed to be an employee of Bank of Maharashtra, which she is not, and has promised certain persons of ensuring that successfully clear the interview. Certain receipts are placed on record, which purport to be receipts evidencing deposit of various amounts in the Bank. According to the prosecution, the receipts are forged.

5. While there is certainly a strong *prima facie* case against the applicant. I am inclined to grant bail for reasons briefly spelt out.

6. It is well settled that the existence of even a strong *prima facie* case cannot be a fetter to the discretionary power to grant bail particularly since the applicant is a woman. Whether the alleged forged receipts can be linked to the applicant would be a matter of evidence. However, at this stage, the fact that there is a strong *prima facie* case for offence punishable for cheating, is not sufficient to continue incarceration.

7. It is not the case of the prosecution that the applicant has criminal antecedents or that she would not be available to face the trial. It is also not the case of the

prosecution that she would be in a position to tamper with the documentary evidence on record. It is true that the alleged victims are known to the applicant and some are her relatives. The apprehension of the prosecution that the applicant may influence them can be allayed by directing her not to contact in any manner the alleged victim.

8. The application is allowed.

9. The applicant be released on bail subject to the following conditions.

[i] The applicant shall be released on bail on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of the like amount.

[ii] The applicant shall not make any effort to contact the witnesses or to otherwise influence the course of trial.

[iii] The applicant shall not, directly, or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

[iii] The applicant shall not leave the country without the permission of the trial Court.

JUDGE

NSN

Digitally Signed ByNITIN SHIVNARAYAN NIKHARE
Signing Date:29.11.2021 18:09