IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO.132 OF 2022

RUPALI SAMRATSING PARDESHI

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. C.C. Deshpande, Advocate for the applicant

Mr. B.V. Virdhe, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 03rd MARCH, 2022

ORDER :

1 Applicant is apprehending her arrest in connection with Crime No.703/2021 dated 20.12.2021 registered with Dhule City Police Station, Dist. Dhule, for the offence punishable under Section 403, 406, 420, 423, 120-B of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. C.C. Deshpande for the applicant and learned APP Mr. B.V. Virdhe for the respondent.

3 It will not be out of place to mention here that when the matter was on board on 15.02.2022, voluntary statement was made by the applicant

that she is willing to deposit an amount of Rs.1,15,000/- to the Bank within a period of one week, in order to show her bona fides. Taking into consideration the said statement interim protection was granted. The learned Advocate appearing for the applicant has produced photo copy of payment acknowledgment slip showing that the payment has been made to the tune of Rs.1,15,000/- and he stated to be in the name of husband of applicant and it is towards folio No.5881160. That payment has been made on 23.02.2022.

4 Perusal of the First Information Report would show that it has been lodged by one Kiran Subhash Patil on behalf of his Bank i.e. Equitas Small Finance Bank. It has been stated that the accused No.1 i.e. the husband of the applicant and applicant as co-borrower has borrowed loan from that Bank for purchase of Eicher Truck/MH AA vehicle. Accused No.3, who appeared to be the mother-in-law of the present applicant stood as guarantor. The installments of the loan were not paid nor the vehicle was made available for the inspection. It is then stated that the vehicle has been disposed of without intimation to the Bank. Therefore, it is stated that all of them have cheated the Bank as well as misappropriated the amount, which was given towards loan.

5 Certain questions are definitely arising in this case, as to how

there could have been the sale of the vehicle if the hypothecation would have been entered into Registration Certificate. Further, as regards the present applicant is concerned, she has been shown to be the co-borrower. She claims ignorance about sale of vehicle by her husband. The husband is stated to be behind bars. Under such circumstance, she deserves to be protected and the interim protection granted earlier deserves to be confirmed when she has shown her bona fides. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 Interim protection granted by this Court earlier to applicant vide order dated 15.02.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. Rupali Samratsing Pardeshi, in connection with Crime No.703/2021 dated 20.12.2021 registered with Dhule City Police Station, Dist. Dhule, for the offence punishable under Section 403, 406, 420, 423, 120-B of the Indian Penal Code, 1860, she be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor she should tamper with the evidence of the prosecution, in any manner.

4 She shall co-operate with the investigation.

(Smt. Vibha Kankanwadi, J.)

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