**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.269 OF 2022
WITH
CRIMINAL APPLICATION NO.932 OF 2022
IN ABA/269/2022**

RAJNI W/O RAVINDRA RANMARE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr.Nitinkumar C. Swami
APP for Respondent : Mr.V.M.Kagne
Advocate for Informant : Mr.A.S.Barlota
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE: 17th March, 2022

ORDER :-

1. Criminal Application filed for assist to APP is allowed.

2. Applicant is apprehending her arrest in connection with Crime No.0041 of 2022, registered with M.I.D.C., Cidco Police Station, Aurangabad, for the offence punishable under Sections 406, 420, 506 read with Section 34 of the Indian Penal Code (IPC).

3. It has been submitted on behalf of the applicant that the applicant is doing business of catering and supplying food under the name of R.B. Caterers and Food Suppliers. It is alleged that

she takes orders from Government Offices and Hospitals for supply of food and accordingly she supplies the food to them. Informant says that the applicant had contracted him as a sub-contractor for supply of food for about 4000 people at J.J. Hospital, Mumbai. It was also promised that she would also see that further contracts are given to the informant for supplying food at different places. Informant says that under various pretexts and promises, an amount of Rs.41,05,000/- was extracted from the informant and he has been cheated. The learned Advocate for the applicant submitted that the applicant had made an application on 2nd February, 2022 to the Office of Commissioner of Police Aurangabad and stated that there was only one agreement between R.B. Caterers and Food Suppliers and the informant. According to which informant has deposited amount of Rs.4,00,000/- with R.B. Caterers and Food Suppliers, however, after cancellation of that agreement, the said amount was repaid to the informant. Therefore, there was no other transaction between R.B. Caterers and Food Suppliers and the informant. Necessary documents were supplied by her when interim protection was granted by the learned Additional Sessions Judge to her. The applicant has co-operated with the investigation and she is ready to abide by terms now also. The custodial interrogation is not at all necessary. The transaction is much of civil nature to which criminal angle has been tried to given and therefore, applicant deserves to be released on anticipatory bail.

4. Learned APP for the respondent well assisted by Mr.A.S.Barlota, learned Advocate for the informant strongly opposed the application and submitted that the applicant has cheated many persons and not only the informant. Documents have been collected to the extent that the informant had paid amount of Rs.41,05,000/- to the applicant and other co-accused. All the details have been given by the informant in his First Information Report (FIR). Therefore, when huge money is involved and the informant has been systematically cheated, the custodial interrogation of the applicant is necessary.

5. It is not necessary to reproduce the contents of the FIR as it is running in many pages. All the details as to how the transactions took place and which kind of representations were made by the applicant to the informant has been stated in the FIR and it is supported by the documentary evidence, which has been collected by the Investigating Officer. So also the original informant alongwith his application to assist APP has produced on record documents to show that he has even got tested the

food items/articles on various occasions from the Laboratories by paying huge amount. All these acts indicate that on the representation made to the informant by the applicant and others, the informant has acted accordingly, parted with the amount, spent the amount for achieving the gold, but then the applicant in her application has not stated as to why she cancelled the agreement. She has not filed her own account statement or the statement of accounts standing in the name of her business to show that she has received only amount of Rs.4,00,000/- from the informant. Definitely, it is an economic offence and therefore, the Courts would be slow in granting anticipatory bail in such matters. No case is made out to use extra-ordinary exceptional remedy under Section 438 of the Code of Criminal Procedure. Therefore, Anticipatory Bail Application stands rejected.

(**SMT. VIBHA KANKANWADI**)
JUDGE

SPT