IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.348 OF 2021
WITH APPLN/1380/2021 IN ABA/348/2021

KOMAL W/O. VISHWAJEET KASAR
VERSUS
THE STATE OF MAHARASHTRA

Mr R. R. Karpe, Advocate for applicant;
Mr V.M. Kagne, A.P.P. for respondent;
Mr M.D. Narwade, Advocate holding for Mr Vijay B. Kale, for applicant in Cri. Application No.1380 of 2021

CORAM : S. G. MEHARE, J.
DATE : 16th September, 2022

P.C.

1. Heard the learned counsel for the applicant, learned A.P.P. for the respondent and Mr Narwade, the learned counsel for the complainant.

2. It has been alleged against the accused that they have duped the complainant and executed a forged sale deed by impersonation. Huge amount has been collected by the husband of the applicant. The husband of the applicant was the front actor who was trapping the innocents. Huge amount has been duped. The false promises were made to the complainant. He has paid money to the husband of the applicant as and when demanded. However, he learnt that the property which was agreed to be sold was never intended to be sold by the true owner. After making the inquiry the applicant realized

that a fraud has been played with him and a forged sale deed was executed in his favour. As far as the present applicant is concerned, the husband of the applicant got the money deposited from the complainant in the bank account of the applicant. The prosecution has a case that the applicant is the actor behind the curtain. Though her accounts have been seized, the police wants to know where the amount has been invested.

3. The learned counsel for the applicant has vehemently argued that the applicant is on interim protection since the month of April, 2021. The husband of the applicant was operating her bank account. She was unaware of business of her husband. Her ATM card, bank account, etc. have been seized. She never operated her bank account. The allegations in toto do not connect the applicant with the so called forged transaction. Therefore, her custodial interrogation is not essential.

4. The learned A.P.P. would submit that there are around ten crimes registered against the husband of the applicant. She was managing the finance of her husband. She has transferred the money from her Account to some another person for purchasing the land. She appears to be the key person behind the frauds played with many innocents. Her custodial interrogation is essential to know where such a huge amount has been invested and how many others have

also been duped. Therefore, the application deserves to be dismissed.

5. The learned counsel Mr Narwade for the complainant has vehemently argued that one similar crime has been registered against the present applicant. She has transferred the money from her bank account to one Manish Chidrawar for purchasing the land. That goes to show that she was operating her account. Therefore, her claim that she was not operating her bank account is false. She was well aware of the business of her husband and she was supporting him. Considering the gravity of the offence and to save the innocent persons, her custodial interrogation is necessary.

6. Perused the papers produced by the learned A.P.P. and referred to by the learned counsel for the applicant. Serious allegations have been levelled against all the accused that they have systematically duped the complainant and executed a forged sale deed by impersonation. The husband of the applicant appears a history-sheeter. He has duped many persons. The prosecution has material that the present applicant has also operated the bank account. Whatever the money was transferred by the complainant in her account, she has transferred it to some person to purchase the land. This *prima facie* evidence is sufficient to believe the prosecution case that she was well aware of the transactions done by her husband.

Considering the gravity of the offence, there appears substance in the submission of the learned A.P.P. that the custodial interrogation of the applicant is essential to know where the duped amount has been invested and how many other innocents have been duped. In view of the facts, allegations and the material collected by the Investigating Officer, the Court is of the view that this is not a fit case for anticipatory bail. Hence, the application stands dismissed.

7. The learned counsel for the applicant prays to continue the interim protection granted to the applicant for a period of four weeks. The interim protection granted to the applicant by order dated 26.4.2021 is continued for a period of four weeks from today.

8. For the reasons stated in the application, Criminal Application No.1380 of 2021 stands allowed.

(S. G. MEHARE, J.)

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