

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

**BAIL APPLICATION NO. 826 OF 2022
WITH
BAIL APPLICATION NO. 824 OF 2022
WITH
BAIL APPLICATION NO. 864 OF 2022**

Arti Bhausahab Chavan

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

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Mr. S.T. Pandey, Advocate h/f Mr. K.N. Shaikh, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent – State in BA/826/22

Mr. N.T. Bhagat, A.P.P. for respondent – State in BA/824/22 and BA/864/22

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CORAM : R.G. AVACHAT, J.

DATE : 18th JULY, 2022

PER COURT :

1. These three applications for bail under Section 439 of Code of Criminal Procedure are taken up together since the applicant of all these applications is one and the same. The applicant has been arrested in connection with following three crimes :-

(i) Crime No. 261 of 2014 registered with Jawaharnagar Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 409, 423, 424, 467, 471, 474, 406, 465, 120-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999;

(ii) Crime No. 176 of 2016 registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999;

(iii) Crime No. 56 of 2014 registered with Ashti Police Station, Dist. Jalna for the offences punishable under Sections 420, 406, 409, 465, 468, 471 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999; respectively.

2. Heard. Perused the First Information Reports (“F.I.R.”) and related police papers.

3. These are the successive bail applications. Earlier were rejected on merit. It would, therefore, not be desirable again to advert to merits thereof. Suffice it to say that it is a case of the prosecution that the applicant, her husband and others formed a company and lured investors to invest money with the hope and promise of lucrative returns. It is stated that the amount involved is Rs.22,10,93,500/-.

4. It is informed that movable and immovable property of the company and all of it’s Directors’, including the applicant and her husband, has been attached. The bail is mainly sought on the ground of long incarceration and feminine gender.

5. Learned A.P.P. has strongly opposed to grant bail since it is an economic offence.

6. The aforementioned facts are minutely considered to grant the applicant bail. The applicant is a wife of a founder of the company. She has been behind the bars for about five years and ten months. Soon before arrest of the applicant, she had undergone brain surgery. She was admitted to J.J. Hospital, Mumbai twice during her post arrest. Her medical papers have been placed on record. Property of the company and the Directors including the applicant and her husband has been attached. The applicant is being granted bail mainly on the ground of her gender and long incarceration and ill health as well.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail applications are allowed.

(II) In Bail Application No. 826 of 2022, the applicant be released, in connection with Crime No. Crime No. 261 of 2014 registered with Jawaharnagar Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 409, 423, 424, 467, 471, 474, 406, 465, 120-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra

Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) In Bail Application No. 824 of 2022, the applicant be released, in connection with Crime No. Crime No. 176 of 2016 registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(IV) In Bail Application No. 864 of 2022, the applicant be released, in connection with Crime No. Crime No. 56 of 2014 registered with Ashti Police Station, Dist. Jalna for the offences punishable under Sections 420, 406, 409, 465, 468, 471 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(V) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)