IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 284 OF 2022

Shraddha J. Gangawane .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Ganesh Gupta for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 3rd FEBRUARY 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.546 of 2021 registered at Santacruz Police Station, on 23/12/2021, under sections 420, 465, 467 and 471 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ganesh Gupta, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is lodged by one Jaspal Nandrajog. He has stated that, he has business of financial consultancy. In June 2021, the informant was

introduced to the main accused Ghanashyam Sharma. It was represented to the informant that, Ghanshyam Sharma was the General Manager of Union Bank, Fort. Sharma told the informant that, if the informant needed bank guarantee or loan in his business, he was in a position to get such help.

4. In July 2021, Sharma arranged a meeting between the informant and Lokhandwala builder. At that time, the applicant was present. During meeting, Sharma told the informant that he would get bank guarantee and would get finance for Rs.20 crores. There was some oral discussion and Lokhandwala builder gave some documents. However, the work was still pending.

5. On 26/07/2021, similar meeting was held. At that time, Sharma and his other associate Mugoi held the discussion. On 31/07/2021, Sharma sent a WhatsApp message to the informant and told him that, he could get a bank guarantee. The requirement was payment of 15% for that bank guarantee, out of which, 2% was to be paid in advance. Further 2% was to be made for Investment Agreement. Thereafter, 3% was to be paid. After that, Union Bank would issue bank guarantee. After the bank

guarantee was received, remaining 10% was to be paid. One of the clients of the informant i.e. Parekh Developers wanted bank guarantee for Rs.10 crores. The informant sent Parekh Developer's documents to Sharma. Sharma accepted Rs.2 lakhs in cash near the informant's house.

6. In September 2021, Sharma approved the bank guarantee draft. The Parekh Developers transferred Rs.30 lakhs in the account of the informant, out of which, Rs. 20 lakhs were transferred by the informant in the account of Sharma. After that, Sharma just kept on taking time and nothing further was done. There are allegations that the applicant also assured that the bank guarantee would be issued. The F.I.R. further mentions different occasions on which Sharma was giving some excuses to the informant. Ultimately, the bank guarantee was not given. The informant's Rs.20 lakhs were lost. On this basis the F.I.R. was lodged.

7. Learned counsel for the applicant submitted that the applicant was working as a Secretary with the main accused Sharma who is already arrested. The applicant has absolutely no

role to play. She is a widow. She is residing alone. Her custodial interrogation is not necessary.

8. Learned APP opposed this application. She submitted that the applicant had also assured the informant that the bank guarantee would be issued. Therefore, she is also involved.

9. I have considered these submissions. Reading of the F.I.R. shows that, all the allegations are directed specifically towards the main accused Sharma. The amount was transferred in the account of Sharma. It is difficult to accept that the informant believed that the applicant was Sharma's partner. He was told that Sharma was Manager of Union Bank, therefore, there was no question of anybody being his partner. Therefore, at this stage, evidence against the present applicant is very weak. Only on couple of occasions she assured that the bank guarantee would be issued as promissed by Sharma. Ultimately, the main offence was committed by Sharma. The amount was received by Sharma. The applicant's role is very minor. In this background, her custodial interrogation is not really necessary. She can be directed to attend the concerned police station and to co-operate with the

investigation.

10. Hence, the following order :

ORDER

(i) In the event of her arrest in connection with C.R.No.546 of 2021 registered at Santacruz Police Station, the applicant is directed to be released on bail on her furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)