

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 736 OF 2022

Madhuri Kantilal Ghule Nee
Sou. Madhuri Bhushan Karale .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr Priyal G. Sarda for the applicant
Ms P. N. Dabholkar, APP for the respondent no. 1
Adv. Trisha Singh & Adv. Sanjay Gangavane i/b. Mrs. Sultana
Sonawane for the respondent no. 2.
Mr. Prasad Dalvi, API, Dehu Road Police Station present in the
Court.

CORAM : NITIN W. SAMBRE, J.

DATED : 23rd September, 2022

P.C.:

1. The applicant is seeking pre-arrest bail in crime no. 93 of 2022 registered with Dehuroad police station for the offence punishable under sections 498A, 323, 504, 506 & 34 of IPC.
2. The case of the prosecution is, the applicant was married to Bhushan, son of the complainant-Nyaneshwar on 24/05/2021. The applicant was working in Capital Management Company and was in the business of trading in share market. The applicant alleged to have promised the complainant of substantial returns if he invest in the share market and accepted an amount of

Rs.22,44,200/-, neither return the amount nor the shares for the amount, which was accepted.

3. While trying to make out a case for grant of pre-arrest bail Mr. Sarda, learned counsel for the applicant would invite attention of this Court to the complaint dated 14/01/2022 lodged by the applicant against Mr. Nyaneshwar, her father-in-law and other family members. According to Mr. Sarda, proceedings in complaint bearing Cri. M.A. No. 32 of 2022 are already pending adjudication in which the complainant is one of the non-applicant.

4. It is further urged by Mr. Sarda that the amount of Rs.13,80,000/- was accepted by the complainant in cash and Rs.12,00,000/- out of the same were alleged to have been deposited in the account of the applicant towards discharge of the part liability.

5. Mr. Sarda would further urge that the amount which was accepted by the applicant was duly invested with the accused no. 3. As the accused no. 3 has failed to honour the commitment, he is already arrested and it is always open for the complainant to recover the said amount from the accused no. 3.

6. As such, Mr. Sarda would urge that the applicant is falsely implicated in the offence.

7. Learned APP based on the investigation would oppose the prayer as according to her the amount was duly received by the applicant in her account from the complainant and as such, the applicant instead of investing the said amount in share market in the name of the complainant, has embezzled /misappropriated the said amount.

8. I have appreciated the said submissions.

9. During the course of investigation, it is established that the applicant has received the amount as has been alleged in the FIR from the complainant. The fact that the applicant was in business of share trading, which is also not in dispute.

10. The applicant has come out with the plea that she is falsely implicated in view of the initiation of DV Act proceedings and also the registration of the offence being offence no. 14 of 2022.

11. The applicant in the FIR lodged against her in-laws has come out with the case of receipt of Rs.13,80,000/- by the complainant with a promise to provide house, however, has admitted that of the said amount Rs. 12,00,000/- was returned in her account. As far as source of Rs. 13,80,000/- is concerned, the same is not established by the applicant.

12. The fact remains that the applicant has accepted the amount

in the account and has not invested the same in the share market in the name of the complainant but prima facie appears to have embezzled the same.

13. In the aforesaid background, the very ingredients of the offence u/s 420 cheating, 406 criminal breach of trust are established.

14. That being so, no case for pre-arrest bail is made out.

15. The application as such fails and same stands rejected.

ANANT
KRISHNA NAIK

Digitally signed by
ANANT KRISHNA NAIK
Date: 2022.09.26
20:19:35 +0530

(NITIN W. SAMBRE, J.)