

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1454 OF 2022

Sheela Hinge ...Applicant
vs.
The State of Maharashtra ...Respondent

Ms. Rakhee Dube, for the Applicant
Ms. M.R. Tidke, APP, for the State.

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CORAM : N. J. JAMADAR, J.
DATE : JULY 13, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 259 of 2022 registered with Barshi City police station for the offences punishable under sections 384, 389, 420, 465, 467, 468 and 471 read with 34 of Indian Penal Code, 1860.

2. Satish Jadhav (the first informant) lodged a report with the allegations that in the year 2011 he was working as a Clerk with Secular Agro and Health Care Private Limited. The said company had floated a scheme of returning 'double the amount invested' to the investor, after nine years. The applicant Sheela Hinge was one of the collection agents of the said company. The applicant had secured investments from many persons who were residing in and around Barshi. The first informant resigned from the said company

in the year 2012. In the year 2014, the said company closed its operations. The applicant allegedly visited the house of the first informant and demanded refund of the amount of the investors who had invested in the said company through her. The first informant had then stated that he was not liable, as he was mere a clerk.

3. In the month of January, 2022 one Shantabai Barangule lodged a complaint against the first informant at Barshi police station. He was called at the police station. When he visited the police station, the applicant and other persons were present thereat. They informed the police that they would work out a settlement. The first informant alleges that the applicant and co-accused Nivedita Argade and others threatened him to falsely implicate him in prosecutions including one for outraging the modesty of women and made him to agree to execute sale deed in respect of his agricultural land situated at Laxache wadi, Barshi. It was represented to the first informant that a sum of Rs. 14 lakhs would be distributed amongst the investors and the balance amount of Rs. 3,90,000/- would be paid to the first informant out of the consideration of Rs. 17,90,000/-. The first informant alleges the applicant and co-accused made him to execute a registered sale deed on 10th January, 2022 without payment of any consideration

including a sum of Rs. 1,90,000/- which was shown to have been paid on that day. On the next day, the first informant thus approached the Superintendent of Police and thereafter lodged the report.

4. In the backdrop of the aforesaid nature of the accusations, this Court had granted interim protection to the applicant by an order dated 22nd June, 2022.

5. I have heard the learned counsel for the applicant and learned APP for the State. I have also perused the investigation papers.

6. It appears that the applicant has executed a sale deed in favour of the co-accused Nivedita Argade and it was registered on 10th January, 2022. The gravamen of indictment against the accused is that the said instrument is sans consideration. The role attributed to the applicant is that of coercing the first informant to execute the said instrument purportedly for repayment of the amount which was invested through her in the Secular Agro and Health Care Private Limited, wherein the first informant was working. The applicant is not a transferee of the property under the said instrument. The questions as to whether the said instrument is

sans consideration and it came to be executed under coercion and duress are predominantly of civil nature. In any event, the allegations against the applicant appear to be of such nature that custodial interrogation of the applicant is not warranted.

7. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest in connection with C.R. No. 259 of 2022 registered with Barshi City police station, the applicant be released on bail on furnishing a P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- 3] The applicant shall attend Barshi City police station as and when directed.
- 4] The applicant shall not tamper the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- 5] The applicant shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)