

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2046 OF 2022**

Ashwini Prakash More .. Applicant

Versus

The State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION (ST) NO.13939 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2046 OF 2022**

Kasturi Gangadhar Karkera .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Anil S. Kamble i/b Corps Legal for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

Mr.Hemant Ghadigaonkar for the Intervenor.

API Hasina Shikalgar attached to D.N.Nagar Police Station,
present.

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**CORAM: BHARATI DANGRE, J.
DATED : 18th AUGUST, 2022**

P.C:-

1. The applicant is apprehending her arrest in connection with C.R.No.609 of 2022 registered with D.N.Nagar Police Station on 09/06/2022 at the instance of one Kasturi Karkera, resident of Mumbai. The said C.R. invokes Sections 406, 420 read with Section 34 of I.P.C. and the occurrence of offence is described to be between 04/04/2013 to 09/06/2022.
2. The accusations are made by the complainant against one Rohan More, Proprietor of Rudra Enterprises, his wife Reshma More and the present applicant, who is the mother of Rohan.
3. The complainant has narrated that she is a lawyer by profession and she was acquainted to the accused persons as her services were engaged in order to defend some proceedings in the Small Causes Court. The acquaintance developed into a friendship and as per the complainant, relationship between the two families was cordial. In the year 2012, accused No.1 introduced her to a scheme by stating that he can make her eligible for allotment of flat in the SRA scheme, which would incur the price of Rs.95,00,000/-, but he can obtain it on concessional rate on account of his acquaintance with the concerned builder.

The complainant has further narrated that she alongwith her sons, from time to time, transferred huge amounts by bank transactions/cheques in the account of accused Nos.1 and 3 and in the account of Rudra Enterprises. It is only when she realized that she is denied the said flat as assured and she has been misled for depositing the said amount of Rs.92,00,000/-, she lodged the complaint to the concerned police station.

4. It is informed by the learned counsel for the applicant that accused No.1 came to be arrested on 16/06/2022 and he is presently in judicial custody. It is also informed that on completion of investigation, charge-sheet has been filed before the competent court.

5. On perusal of the complaint it can be seen that the applicant was also introduced and acquainted with the complainant and her family, but when the learned A.P.P. is asked, as to whether any amount that has been paid by the complainant and her two sons has been credited in the account of the present applicant, learned A.P.P. fairly states that there is no material to that effect and the charge-sheet alleges that the entire amount has been received by accused Nos.1 and 3 and some of the amount has been credited in the account of

Rudra Enterprises, which is the sole proprietary concern of accused No.1. The present applicant is not a beneficiary and has not received a single penny of the amount of Rs.92,00,000/-.

6. In any case, on completion of investigation, charges have now been crystallized and the charge-sheet has been filed in the competent court. Considering the minimal role attributed to the present applicant, who is the mother of the main accused who has assured an accommodation to the complainant and for which huge amount of Rs.92,00,000/- was parted with, it is not necessary to have custodial interrogation of the present applicant. The applicant, therefore, deserves protection from arrest. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No. 609 of 2022 registered with D.N.Nagar Police Station, applicant-Ashwini Prakash More shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 1st, 2nd and 3rd September, 2022 between

3.00 p.m. to 5.00 p.m. and, thereafter, as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

7. In view of the disposal of the application, interim application does not survive and stands disposed off.

(SMT. BHARATI DANGRE, J.)