

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

ANTICIPATORY BAIL APPLICATION NO.2129 OF 2022

Mrs. Rakhi Rajesh Mewawala & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Nitin Pradhan, Senior Advocate a/w S. D. Khot, Tanvii Tapkire & Shahen Pradhan, for the Applicants.
Smt. J. S. Lohokare, APP for the Respondent/State.
Mr. Mukesh Gupta i/by Dhrutiman Joshi, for the Intervenor.
Mr. Gajendra Kshirsagar, Pl, Byculla Police Station - present.

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd AUGUST, 2022

P.C.

1. Mr. Nitin Pradhan, learned senior counsel for the applicants would invite attention of this Court to the orders passed by the Trial Court dated 21st October, 2021 rejecting prayer for grant of pre-arrest bail, the order dated 28th October, 2021, passed by this Court rejecting the similar prayer, so also the orders passed by the Apex Court, whereby the applicants have withdrawn Special Leave Petitions on 26th July, 2022. According to him, the applicant No.2 who is daughter of the applicant No.1 and accused No.1 - Rajesh is suffering from hyperacidity, vomiting, vertigo and migraine. He would further brought to the notice of this Court medical certificate issued by

Bhatia Hospital, Mumbai, whereby she is informed to have been having symptoms for depression and anxiety. He would further urge that in March, 2021, the applicant No.2 was detected to have a tumor secreting prolactin in the brain for which she is undergoing treatment. As such, according to him, there is medical emergency, which warrants applicant to be released on bail in the event of arrest.

2. Prayer is opposed by the APP, so also counsel for the intervenor.

3. I have appreciated aforesaid submissions of learned senior counsel, Mr. Nitin Pradhan. The fact remains that the ailment as is certified in the certificate dated 30th July, 2022, was very much in existence when before the Apex Court prayer was made for withdrawal of the Special Leave Petitions. As such, this Court has to presume that in spite of the aforesaid fact the Apex Court was not willing to grant per-arrest bail to the applicants.

This Court with the assistance of APP has perused the medical papers. The ailment which is cited in support of grant of bail on medical ground is old. Such ailment is old and treatable.

4. The *modus operandi* of the applicant along with

accused Rajesh is to victimize the lady entrepreneurs by promising them hefty returns, investment in the home properties by obtaining loan etc.. All these three applicants have cited the various policies of the Central Government whereby finance on ease terms is provided. The applicants have victimized number of female candidates not only by promising them loan on easy terms but also hefty returns on such loan amount. The investigation depicts that the applicants were present in the bank at the time of processing the loan document. The loan documents were filled-in by the applicants from the victims and in connivance of bank officials have got such loans disbursed in their accounts. The applicants used to gain trust of the victims, get loan documents signed and further utilize loan amount for their own benefits. The investigation reflects that the applicants have cheated many victims. Apart from above, while rejecting prayer for grant of pre-arrest bail on merit in the order dated 28th October, 2021, this Court in categorical terms has observed that there was meeting of minds amongst the accused persons i.e. present applicants and Rajesh - husband of applicant No.1. It appears that complainant who is in relation with the applicants was taken into confidence and conspiracy was hatched with bank officials in commission of crime in question.

5. There is sufficient evidence available on record to infer *prima-facie* involvement of the applicants in the crime in question.
6. In the aforesaid background, no case for grant of pre-arrest bail is made out.
7. The application as such stands rejected.

[NITIN W. SAMBRE, J.]