

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

ANTICIPATORY BAIL APPLICATION NO.2281 OF 2021

Sou. Vrushali Pravin Kanade	..Applicant
Versus	
The State of Maharashtra & Anr.	..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.2286 OF 2021**

Sou. Vrushali Pravin Kanade	..Applicant
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Avinash B. Avhad, for the Applicant.
Mr. A. A. Palkar, APP for the Respondent/State.
Mr Nitesh J. Mohite for respondent no. 2 in both ABA.
Mr. Jitendra Suresh Girnar, PSI, Wakad Police Station is present.

CORAM : NITIN W. SAMBRE, J.

DATED : 14th SEPTEMBER, 2022

P.C.:

1. Heard.
2. The applicant is seeking pre-arrest bail in crime nos. 180 of 2021 & 181 of 2021 registered with Wakad police station for the offence punishable under sections 406, 420, 34 of IPC & under sections 3 & 4 of MPID Act.
3. The contentions of Mr. Avhad, learned counsel appearing for the applicant/accused are, the applicant was in employment of

Suvarna Siddhi Investments which according to him was a proprietary concerned of the co-accused viz. Noble Paul Richards. He would urge that since 2017 the applicant is not in the employment of the said firm. He would further urge that the applicant and her husband made investment of around of Rs.21,00,000/-. Towards security the cheques issued by the said firm were dishonored which has resulted in the issuance of notice under the Negotiable Instrument Act.

4. His further contentions are on 29/07/2017 already a complaint was lodged by the applicant against the said Paul in the matter of mismanagement of the funds of partnership and also for cheating.

5. As such, according to him, the applicant is innocent and deserves to be released on bail.

6. Learned APP assisted by counsel for the complainant would oppose the prayer based on the investigation carried out.

7. The fact remains that the investigation papers contain certain photocopies of the cheques which are duly signed by the applicant in the capacity of the partner of Suvarna Siddhi Investment. In addition to above, the applicant has also executed acknowledgment towards receipt of the money from the investors.

8. The fact remains that the applicant has neither produced the appointment order nor resignation letter. Even if it is accepted that the applicant has issued notice u/s 138 of Negotiable Instrument Act, however, the fact remains that for unknown reasons the applicant has not initiated prosecution against the co-accused-Paul for dishonoring of cheques.

9. In the aforesaid background, if we test nature of allegations against the applicant, what can be noticed is investors deposited amount in the said firm of which the applicant is shown to be the partner with assurance of high returns.

10. Neither the principal amount nor the interest is given to the investors which has resulted in registration of the offence. In this background, necessary ingredients are section 406 and 409 of IPC are satisfied.

11. There is strong prima facie case of involvement of applicant can be made out.

12. The application, as such stands rejected.

13. On the last occasion, the investigating officer was not present. As such, the matter was required to be adjourned for today.

14. In response to the Court's query, learned APP on instructions

from Investigation Officer informs that he was indisposed and as such was on sick leave.

15. If the aforesaid statement is accepted, it was failure on the part of the Senior PI of Vakad police station which comes within the Commissionerate of Pimpri Chinchwad.

16. In the aforesaid background, the concerned DCP of the police station is directed to seek explanation from the Sr. PI of Vakad police station, explaining default in producing papers before this Court on the earlier date of hearing. We expect the DCP to file compliance report before this Court within a period of two weeks from today.

(NITIN W. SAMBRE, J.)