

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

ANTICIPATORY BAIL APPLICATION NO. 3090 OF 2022

Aparna Ashok Giri	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Shekhar Jagtap a/w. Ms. Rhea Francis and Ms. Sairuchita Chowdhary i/b. J. Shekhar and Co. for the Applicant.
Mr. A.A. Palkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd NOVEMBER, 2022.

P. C. :-

. The Applicant has filed this Application under section 438 of Cr.P.C. apprehending her arrest in C.R.No.142/2022 registered with Market Yard Police Station, Pune for offences punishable under sections 406, 420 of the Indian Penal Code.

2. Heard Mr. Shekhar Jagtap, learned counsel for the Applicant and Mr. A.A. Palkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Mr. Premchand Pitambar Bhole. The Applicant is in the business of printing and installing hoardings under the name and style “M/s. Media Idea’ and ‘M/s. Anjalee Advertising’. The Complainant is in the business of real estate. He was acquainted with the Applicant. It is the case of the prosecution that some time in the month of August, 2018, the Applicant gave a brief idea of his business to the complainant and informed him that he was in need of Rs.3 Crores to expand the business activities. She induced the complainant to invest Rs. 3 Crores on an assurance of good returns from the profits in the business. The complainant informed the Applicant that he was unable to pay the amount but assured that he would invest some money as and when available with him. It is stated that the Complainant transferred total amount of Rs.2,49,00,100/- in the account of the Applicant during the period from 27/08/2018 to 05/03/2019. It is stated that the Applicant transferred an amount of Rs.44,90,292/- in the account of the complainant towards return on investment made by the complainant. Subsequently, the Applicant avoided paying any amount to the complainant. She refused to return to the complainant an amount of Rs.2,04,09,808/- allegedly invested in her business. The Complainant therefore filed complaint for cheating and misappropriation.

4. The material on record reveals that the complainant had infact transferred Rs.2,49,00,100/- into the account of the Applicant between 27/08/2018 to 05/03/2019. The records also reveal that the amount of Rs.44,90,292/- was deposited into the account of the complainant.

5. Mr. Shekhar Jagtap, learned counsel for the Applicant states that one Narendra Sengar borrowed money from the Complainant and that he had instructed the Complainant to deposit the said amount in to the account of the Applicant. Learned counsel for the Applicant states that the Complainant had deposited the money into the account of the Applicant at the instance of said Sengar. At this stage, there is no material on record to indicate that there was any such arrangement between the Complainant, Applicant and Sengar.

6. Said Sengar has expired. The statement of son of said Sengar has been recorded. He does not support the case of the Applicant that his father, Mr. Sengar had given any such instructions to the Complainant to deposit the money in the account of the Applicant.

7. The statement of one Rekha Jain also prima facie indicates that the Applicant has received money from her under similar pretext. She claims that she has paid to the Applicant an amount of Rs.75,00,000/- by RTGS and Rs.2,90,00,000/- in cash. She has stated that out of the said amount, the Applicant has repaid only an amount of Rs.18 lakhs.

8. The material on record prima facie indicates that the Applicant is involved in the said crime which needs to be investigated. Considering the nature of accusations and the material in support thereof, this is not a fit case for grant of pre-arrest bail. Hence, the Application is dismissed.

PREETI
H JAYANI

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Date: 2022.12.02
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(SMT. ANUJA PRABHUDESSAI, J.)