

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

ANTICIPATORY BAIL APPLICATION NO.3149 OF 2021

Eruvuri Savithri wife of Pichhi Reddy Applicant

versus

State of Maharashtra Respondent

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- Mr.Sanjeev P. Kadam a/w Sneha G. Sanap a/w Aditya S. Targe, Advocate for Applicant.
- Smt.A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th FEBRUARY, 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 92 of 2020, dated 11th March, 2020 registered with Dadar Police Station under Sections 408, 409, 420, 465, 467, 468 475 and 120B read with Section 34 of the Indian Penal Code.

2. Heard Mr.Sanjeev P. Kadam, learned Counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the Respondent-State.

3. The FIR is lodged by Mr. Indraneel Moon, who is a Deputy Manager of M/s. Fortune Integrated Asset Finance Limited. This Company was in the business of providing finance for various purposes including purchase of vehicles. They had all necessary permissions from the Reserve Bank of India. It is his case that their company was appointing Revenue Sharing Partners (RSP). The job of the RSP was to get business from the interested parties who wanted loan to purchase vehicles. The RSPs were supposed to verify the documents, to look after the registration of vehicles, collect installments from the borrowers and make payments to the informant's-company. The amount of loan was disbursed by the Company to the tune of 90% of the entire loan amount and remaining 10% was to be disbursed by the RSP. The FIR mentions that the Applicant was proprietor of M/s. Pawan Auto Finance, having address at Ongal, Andhra Pradesh. FIR mentions that it was owned by the Applicant. The FIR mentions different incidents when the Applicant's firm had submitted false documents in respect of non-existing borrowers

and caused huge loss to the Company. The principal amount of loan of Rs.6,91,08,745/- and the interest of Rs.4,10,95,517/- were not paid back to the Company and this entire loss to the Company was Rs.11,02,04,262/-.

4. Learned Counsel for the Applicant submitted that Applicant is an illiterate lady. She is partner in the firm. It is a partnership firm which was controlled by the husband of the Applicant. The Applicant cannot even read or write. The husband of the Applicant is responsible to the Company and the amount received by him was used by him alone. Applicant is completely unaware of the entire business transaction. Her husband had bought properties in her name.

5. Learned APP submitted that it was not a proprietary firm, but the investigation has revealed that it was a partnership firm, wherein the present Applicant was shown as a working partner. However, only her thumb impressions are taken on the documents. They are not actually signed by the Applicant. On

the last occasion i.e. on 05/01/2022 I had already directed the Applicant to attend the concerned police station on particular dates and to co-operate with the investigation.

6. Today, learned APP is making a firm statement that the Applicant has attended the police station. She has co-operated with the investigation and the Investigating Officer is satisfied that the main offender is the Applicant's husband. She admittedly is an illiterate lady and she has no knowledge about the business. She was used by her husband in commission of this offence.

7. Since the Investigating Officer is satisfied that the Applicant was merely used by her husband, then there is no point in allowing her custodial interrogation. She deserves to be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R. No.92 of 2020, dated 11th March, 2020

registered with Dadar Police Station, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)