

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.103 OF 2022

Rita @ Rina Wd/o. Rajesh Sharma
Vs.

State of Maharashtra, Through P.S.O., Police Station, Chandrapur City, Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. R. Wagh, Advocate for applicant.
Mr. A. R. Chutke, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 17/03/2022

Heard Mr. Wagh, learned counsel for the
applicant and Mr. Chutke, learned APP for non-applicant/
State.

2. The applicant is arraigned for the offence punishable under Section 420, 468 and 471 read with Section 34 of the Indian Penal Code in Crime No.502 of 2021. The FIR is filed on 21.06.2021. The applicant has been arrested on 24.06.2021. The charge-sheet is filed on 20.09.2021.

3. Mr. Wagh, learned counsel for the applicant at the outset submits that the main accused Rajesh Sharma has passed away. Rajesh Sharma was the husband of the applicant to whom all the allegations of taking money on the pretext of providing job in a Government employment have been attributed. The applicant is his wife and had only accompanied him to

various places in that capacity. It is therefore, submitted that the applicant had no role to play in the scam alleged to have been floated by the said Rajesh Sharma. It is also contended that the applicant being a household lady, her further incarceration, considering the fact that the charge-sheet has been filed is not necessary.

4. Mr. Chutke, learned APP for non-applicant/State opposes the application and by placing reliance upon the statement of Raghunath Yadav and Arun Jagtap, submits that the applicant was equally involved in the scam floated by her husband Rajesh Sharma, and therefore, it is stated that the application be rejected.

5. The charge-sheet indicates that Rajesh Sharma, the husband of the applicant had, under the pretext of providing employment in Government Services, to their wards, taken money from Raghunath Yadav and Arun Jagtap as well as several other persons. It also indicates in pursuance thereto that a fake examination was also conducted by him at Jabalpur with the assistance to the other accused persons, however, the role attributed to the applicant, is of accompanying her husband to various places such as Delhi, Jabalpur and Mumbai, though certain statements are also attributed to her. Considering that the role of the applicant in the entire scheme was minimal and the fact that the applicant is a lady, in view of the fact, that the charge-sheet is filed on 20.09.2021 and the investigation

is complete, no purpose would be served by further continuing her incarceration. Hence, the following order.

ORDER

(i) The application is allowed.

(ii) The applicant be released on bail in Crime No.502 of 2021 for the offence punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code on furnishing PR. bond in the sum of Rs.1,00,000 (Rupees One Lakh) with two solvent sureties of like amount.

(iii) The applicant shall not tamper with the prosecution witnesses and try to influence to them.

(iv) The applicant shall not indulge into any such activity and even a single offence against her shall result in cancellation of bail.

(v) The applicant shall attend the Sessions Court trial on each and every date and shall ensure that the trial is not protracted on her count.

JUDGE

Sarkate