

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

CRIMINAL APPLICATION (ABA) NO.113 OF 2022

Pooja Devanand Bhagat

Versus

State of Maharashtra, through P.S.O. Bajaj Nagar, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sibghatullah Jagirdar, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/02/2022

1. It is alleged that a false promise was given by husband of the present applicant namely Nibin S. Rajan to the complainant to secure admission in G.N.M. Nursing Course, in an institute Gnanodaya Institute of Nursing Mysore. Thereupon, the complainant paid total amount of Rs.94,000/-. On inquiry at the college, it was revealed that the accused persons had deposited only Rs.10,000/-.

2. The complainant accordingly, revealed that the accused persons have cheated the complainant and misappropriated the amount. Thereupon, a complaint was lodged in the Police Station Bajaj Nagar, Nagpur, which came to be registered as Crime No.205 of 2021, dated 22.09.2021 for the offence punishable under

Sections 420, 406 read with Section 34 of the Indian Penal Code against the applicant and her husband.

3. Shri Jagirdar, learned counsel for the applicant submits that there are no allegations against the present applicant about any assurance or promise made by the applicant. He submits that except the fact that on the instruction of her husband, the complainant deposited the amount in the account of the applicant, there are no allegations. It is submitted that the applicant and the main accused got married in the year 2019, as such she was not having any idea about the background in which the amount was deposited by the complainant in her account.

4. On the other hand, Shri Ashirgade, learned A.P.P. strongly opposes the application and states that in the investigation it has come to fore that the amount was deposited in the account of the applicant and it is reflected in the Bank account of the applicant. He therefore, submits that there is sufficient material to show the involvement of the applicant.

5. On perusal of the case diary and after going through the contents of the FIR, it can be seen that there are no allegations made against the applicant that she has assured the complainant for admission or she was present at the time of assurance given by her

husband. The name of the applicant is referred for the purpose that the amount was deposited as per direction of the accused No.1 in the account of the applicant. Thus, *prima facie* there is no incriminating material against the applicant.

6. Accordingly, the application is **allowed**.

7. In the event of arrest the applicant in Crime No.205 of 2021, registered with Police Station Bajaj Nagar, Nagpur for the offence punishable under Sections 420, 406 and Section 34 of the Indian Penal Code, the applicant be released on bail on furnishing P.R. Bond of Rs.15,000/- with a solvent surety of like amount.

8. The applicant shall attend the concerned Police Station on every Sunday between 10.00 a.m. to 12.00 noon for three weeks, and thereafter, whenever her presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]

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