

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

CRIMINAL APPLICATION (ABA) NO.289 OF 2022

Anita Rameshkumar Jonwal and others

Versus

State of Maharashtra, through P.S.O., P.S. Wardha, Dist. Wardha

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

Court's or Judge's Order

Shri P.S. Jaiswal, Advocate for the applicants.

Shri A.M. Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 17/06/2022

1. The applicants are seeking pre-arrest bail in Crime No.1322 of 2021, dated 12.10.2021, registered with Police Station Wardha, District: Wardha, for the offences punishable under Sections 120-B, 406, 407, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.

2. Shri Jaiswal, learned counsel for the applicants submits that except the allegation that during the seminar the applicants were present. There is no other incriminating material available on record to show the involvement of the applicant in the alleged offence. He further submits that the applicants have been falsely implicated in the alleged offence.

3. Shri Jaiswal, learned counsel for the applicants lastly argues that custodial interrogation of the applicants is not necessary in the alleged offence.

4. On the other hand, Shri Deshpande, learned APP strongly opposes the present application and submits that the total defalcated amount involved in the alleged offence is about Twenty crores.

5. It is further submitted that the non-applicant has received many complaints of similar nature against the accused persons.

6. It is submitted that as the applicants are absconding and though the charge-sheet has been filed, they are shown as absconding. It is submitted that for further investigation, custody of the applicants is necessary. Accordingly, he prays for rejection of the present application.

7. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

8. The learned APP has pointed out that that total amount involved in the alleged crime is about Twenty crores. In view of the judgment of the Hon'ble Supreme Court of India in the case of *P. Chidambaram Vs.*

*Directorate of Enforcement*¹, in such matter, custodial interrogation is necessary.

9. The submission made by the learned counsel for the applicants that there is decree of divorce between the applicant No.1 and main accused. However, *prima facie* from the statement of bank account of the applicant No.1, it appears that after filing of the divorce petition, she has received amount from the accused No.1. Further, the documents show that she was continuously present at the time of seminar with the accused No.1. Hence, at this stage, *prima facie* there is incriminating material available against the applicant No.1.

10. As far as, the applicant Nos.2 and 3 are concerned, the applicant No.2 was 19 years old on the date of incident and the applicant No.3 was minor, at the relevant date. Both are the students and there is no incriminating material available on record against them. In that view of the matter, I pass the following order:

- a) The criminal application is partly **allowed**.
- b) The applicant No.1-Anita Rameshkumar Jonwal is hereby **rejected**.

1 (2019) 9 SCC 24

- c) The application for grant of pre-arrest bail qua applicant Nos.2 and 3 namely Pavan S/o Rameshkumar Jonwal and Pankaj S/o Rameshkumar Jonwal, is **allowed**.
- d) It is directed that in the event of arrest of the applicant No.2- Pavan S/o Rameshkumar Jonwal and applicant No.3- Pankaj S/o Rameshkumar Jonwal, in Crime No.1322 of 2021, registered with Police Station Wardha, District: Wardha, for the offences punishable under Sections 120-B, 406, 407, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, the applicants shall be released on bail on furnishing P.R. Bond of Rs.25,000/- each with one solvent surety in the like amount for each of the applicants.
- e) The applicants shall attend the concerned Police Station as and when their presence is required.
- f) The applicants shall not tamper with the prosecution witnesses.

- g) The applicants shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]