

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

CRIMINAL APPLICATION (ABA) NO. 304 OF 2022

Chhaya w/o Kailash Kakde **Versus** State of Maharashtra, through P.S.O., Wardha City,
Tah. And 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.R.Agrawal, Advocate for the applicant.

Shri V.A. Thakre, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 04/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.515 of 2022, dated 06.04.2022, registered with Police Station Wardha City, Wardha, Tah. & Dist. Wardha, for the offences punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

2. Shri P.R. Agrawal, learned counsel for the applicant submits that though this Court had granted an opportunity to deposit Rs. 5 Lakh to show bonafides, vide order dated 20/06/2022, the applicant would not deposit the same. However, the learned counsel for the applicant maintain this statement that the applicant shall deposit Rs. 25 Lakhs in next four months.

3. Learned counsel for the applicant further argues on merit and submits that, looking to the allegations made in the FIR, custody of the applicant is not required and he further states that the applicant has been falsely implicated in the alleged offence.

4. On the other hand, Shri V.A. Thakre, learned APP strongly opposes the present application and submits that the allegations are serious and the total amount involved in this case is about Rs. 37 Lakhs. He further submits that further custodial interrogation of the applicant is necessary, as the allegations are about cheating. Accordingly, he prays for rejection of the present application.

5. I have perused the Case Diary and the FIR.

6. Considering the allegations made in the FIR which states that the applicant and her husband purchased two plots on 12/11/2012 from one Pankaj Patki and in the year 2014, they mortgaged the said plot with the Indian Bank and availed a cash credit limit of Rupees One Crore. They failed to repay it and accordingly, recovery was initiated by the Bank. Despite this fact, the applicant and her husband executed a sale-deed in favour of the complainant by accepting Rs. 37,44,000/-, of the said mortgaged property.

7. Thus, considering the nature of allegations, I am of the opinion that the learned APP is right in saying that in this case, the custodial interrogation is necessary.

8. Moreover, the applicant failed to show her bonafide by depositing Rs. 5 Lakhs in this Court. In the circumstances, I pass the following order :-

The criminal application is **rejected**.

[ANIL S. KILOR, J.]