

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

Criminal Application (BA) No. 576 of 2022

Smt. Mohammadi Begum w/o Irfanuddin Mohammed

Versus

State of Maharashtra, through its Police Station Officer, Police Station
Sonegaon, Nagpur

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

Court's or Judge's Order

Shri S.P.Dharmadhikari, Senior Advocate assisted by
Shri H.N.Karkaria, Advocate for the applicant.
Ms Mrunal Barbde, APP for the State / Non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 15th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 12 of 2022 dated 24th January, 2022 registered with Police Station Sonegaon Dist. Nagpur for the offences punishable under Sections 406, 409, 420 read with Section 34 of Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978.

2. Shri Dharmadhikari, learned Senior Advocate for the applicant submits that on believing that the applicant is the wife of accused no.1, she was arraigned as accused. It is submitted that the applicant is in jail since 18th April, 2022 i.e. for about last two months.

3. Shri Dharmadhikari, learned Senior Advocate draws attention of this Court to the allegations made in the First Information Report. He submits that except the allegations that the applicant was present in the hotel on a particular date, there are no other allegations against the applicant attributing any role to the applicant in the alleged offence.

4. It is submitted that First Information Report discloses the fact that the complainant keeps investing the amount and also he keeps receiving the amount. It is pointed out that the complainant himself is the accused in the complaints made by the investors.

5. It is lastly argued that applicant being lady, this Court may consider her case for grant of bail, in the light of the above referred grounds.

6. Learned Additional Public Prosecutor has strongly opposed the application and she submits that in the investigation it is revealed that mother of the applicant received amount and the same was transferred

in the account of the applicant. It is therefore submitted that *prima facie* there is material to show her involvement in the alleged offence.

7. In reply, Shri Dharmadhikari, learned Senior Advocate submits that the applicant is running advertising agency and the accused persons are her clients. Therefore, the amount received by her was toward service provided by her. However, the said amount is not in relation with the alleged crime.

8. Learned Additional Public Prosecutor submits that investigation is going on and the applicant is not co-operating with the investigation, as such she prays for rejection of the present application. She further submits that similar offence is registered against the applicant with the Police Station Sahupuri, Kolhapur.

9. I have perused the case diary, First Information Report and the reply filed by the prosecution.

10. The prosecution believing that the applicant is the wife of accused no.1, because accused no.1 introduced her on many occasions as her wife, she was arraigned as accused. However, *prima facie* there is nothing to show that the applicant is the wife of the accused no.1.

11. In the First Information Report, except the allegations that she was present in the hotel when the complainant visited Hotel, to meet the accused no.1. No role is attributed to the applicant in the First Information Report.

12. As far as the amount deposited in the account of the applicant is concerned, it is the matter of trial, whether the amount was received by the applicant as a beneficiary in the alleged crime or as a professional fee. At this stage, however, *prima facie* there is nothing to show the said amount received by the applicant is towards her share in the alleged crime.

13. In the circumstances, as applicant was in jail for sufficient time and no role is attributed in the First Information Report against the applicant, I am of the opinion that she is entitled for grant of bail.

14. Moreover, there is nothing to show that the applicant would pressurize the prosecution witness or he will tamper with the prosecution evidence or he will not be available for trial, if the bail is granted. Accordingly, I pass the following order.

- i. It is directed that the applicant shall be released on bail in Crime No. 12 of 2022 dated 24th January, 2022 registered with Police Station Sonogaon for the offence punishable under Sections 406, 409,

420 read with Section 34 of Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.

ii. The applicant shall attend the concerned police station as and when her presence is required;

iii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

[ANIL S. KILOR, J.]

SACHINDANAND
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