

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 837 OF 2023

Vasundhara w/o Arun Solanke

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. R. Devkate, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 23rd JUNE, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 335/2023 registered with M.I.D.C. Waluj Police Station, dist. Aurangabad for the offences punishable under Sections 420, 406, 504, 506 of the Indian Penal Code.

2. Perusal of the First Information Report shows that informant is the owner of Nath Engineering and in connection with his business, co-accused Dhanajay, brother of the applicant, used to visit his company. They have acquaintance with each other since March, 2019. Dhananjay advised the informant to enter into business of sale of tooling. Believing Dhanajay, he started business.

It is contended that present applicant who is the sister of Dhananjay also met informant and apprised him about said business. Believing upon them, two cheques of Rs. 1,99,420/- and Rs. 1,30,980/- were issued. It is stated that thereafter Dhananjay and present applicant purchased tooling from amount transferred by the informant. Said tooling was to be sold to various companies. It is alleged that Dhananjay showed receipts of delivery of same to those companies. However, inspite of repeated reminders, Dhananjay has refused to make payment. Dhananjay thereafter issued cheques to the informant and when the cheques were sent of realisation, they were returned dishonoured. It is contended that the present applicant and Dhananjay refused to pay the amount to the informant.

3. Learned counsel for the applicant states that in respect of the two transactions which appear in the bank record of the applicant, there is no allegation about mis-appropriation thereof. According to him, the First Information Report clearly indicates that it was the brother of applicant, Dhananjay, who has induced the informant to enter into such business and that he has shown bogus receipts towards delivery of such material. He further states that

pertinently, the cheques were issued by Dhananjay only. Thus, according to him, it is a fit case for protecting liberty of the applicant.

4. Learned APP and learned counsel for the informant opposed the said contention by referring to the statement in the First Information Report in respect of present applicant. It is also pointed out that V.S. Enterprises is the proprietary firm of the present applicant and her bank account indicates that she has received the amount for the informant. Learned counsel for the informant has also contended that the applicant be directed to deposit the misappropriated amount.

5. Applicant is a lady. Perusal of the First Information Report clearly shows that it was the brother of the applicant who has induced the informant to engage himself into said business. It is further specifically alleged that Dhananjay had shown bogus receipts indicating receipt of material by other companies. The informant had called upon Dhananjay to pay the said amount and pursuant to said demand, Dhananjay issued cheques to the informant. It is also pointed out to this Court that said Dhananjay has also cheated in similar fashion to other persons wherein the present applicant has no

concern. All these facts clearly show that the allegations attracting Section 406 of the Indian Penal Code are mainly against Dhananjay and not against the present applicant. In view of these facts, liberty of the applicant is protected. Hence, the following order:-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 335/2023, registered with M.I.D.C. Waluj Police Station, Dist. Aurangabad, for the offences punishable under Sections 420, 406, 504, 506 of the Indian Penal Code, she be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) She shall attend the concerned police station once in a week.
- (iv) She shall not contact the witnesses directly or indirectly.
- (v) She shall not interfere with the evidence in any manner whatsoever.

(vi) She is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1927 OF 2023 IN

ANTICIPATORY BAIL APPLICATION NO. 837 OF 2023

Balaji Eknath Bhakad

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. D. S. Ingole, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

Mr. A. R. Deokate, Advocate for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 23rd JUNE, 2023.

PER COURT :

1. Learned counsel for the applicant seeks leave to assist learned APP.

2. Application is allowed.

**(R. M. JOSHI)
Judge**

dyb