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**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1780 OF 2022

Sharda Sanjay Chaudhari and Another APPLICANTS

VERSUS

The State of Maharashtra and Another RESPONDENTS

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Mr. Nilesh S. Ghanekar, Advocate for the applicants
Mr. A. V. Deshmukh, APP for respondent - State
Mr. Ruchir S. Wani, Advocate for the informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st JANUARY, 2023

ORDER :

1. The applicants are apprehending their arrest in Crime No. 736 of 2022 registered with Nandurbar City Police Station, Nandurbar for offence punishable under sections 420 and 120 of the Indian Penal Code and u/s 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act.

2. Smt. Neeta Prakash Chaudhari lodged FIR against the applicants alleging that applicant Sharda used to come to meet her maternal uncle near the place of her residence. Sharda used to come to Mansi Nitin Chaudhari, through whom the informant

got acquainted with Sharda. Since the informant was in need of a cook, she asked Sharda about it and accordingly employed Sharda from January, 2020. Sharda told her that she, along with her husband, conducts Bishi (monthly payment scheme) and whether the informant is willing to join the Bishi. The informant agreed to the same. Sharda informed her that since last 6 to 7 years, she is conducting Bishi of government institutions. She assured to give Bishi amount to the informant at the earlier point of time. Sharda informed her that she will have to deposit Rs.10,000/- per month for one Bishi. The informant participated in four Bishis from March, 2020 to June, 2021 and paid Rs.40,000/- per moth to the applicants. She paid the said amount for 16 months and also gave Rs.10,000/- as hand loan to applicant No.1 Sharda. Thus, Sharda took an amount of Rs.6,50,000/- from the informant. Said Bishi amount was raised by the applicant by obtaining an amount of Rs.2,50,000/- from her brother Vinod Chaudhari, Rs.2,50,000/- from her sister Sangita Chaudhari, took loan of Rs.1,00,000/- from Spandana and Gayatri Foundation and gave Rs.50,000/- from her own savings.

Similarly, from her locality, Bhati Ganesh Joshi paid Rs.1,00,000/- @ Rs.10,000/- per month for 10 months; Surekha

Sunil (Sali) Salin paid Rs.90,000/- @ Rs.10,000/- per month for 9 months; Jayashree Chhotu Mali paid Rs.2,00,000/- @ Rs.20,000/- for 10 months; Mansi Nitin Chaudhari paid Rs.1,10,000/- @ 10,000/- per month for 11 months; Nayana Sushil Chaudhari paid Rs.6,40,000/- @ Rs.40,000/- per month for 16 months so also Nayana has paid Rs.1,60,000/- to Sharda for mortgaging house, thus paid total Rs.8,00,000/-; Jyoti Sanjay Chaudhari paid Rs.1,30,000/- @ Rs.10,000/- per month for 13 months. The informant, therefore, alleged that the applicants have misappropriated total amount of Rs.20,80,000/- from the informant and the ladies named in the FIR.

3. Heard learned advocate for the applicants, the learned Additional Public Prosecutor for the Sate and the learned advocate for the informant. Perused the investigation papers.

4. According to the learned advocate for the applicants, in fact it was the informant who was running the Bhishi and not present applicant No.1. Loan was given by applicant No.2 to two of the witnesses and since they do not want to return the loan amount, this false case is lodged against the applicants. He, therefore, submits that the applicants deserve anticipatory bail.

5. Learned Additional Public Prosecutor and the learned

advocate for the informant strenuously opposed the bail application submitting that the applicants, by gaining confidence of the informant and other ladies, who hail from lower strata of the society, induced them to invest their hard earned money in the Bishi scheme and have deceived them for Rs.20,80,000/- hence, the applicants are not entitled for anticipatory bail.

6. *Prima facie,* it appears from the investigation papers that there is sufficient material against the applicants showing that they have deceived the informant and other ladies by accepting amounts on the pretext of Bishi and have committed offence of criminal breach of trust and cheating. Poor ladies, some working as housemaids and some, by obtaining hand loans or loans from financial institutions, have given their hard earned money to the applicants, by reposing confidence in them, however, the applicants have misappropriated the said amount.

7. During the course of investigation blank cheque of ICICI Bank, signed by applicant No.1, which was given to the informant, is sized by the Investigation Officer. Applicant No.1 has no concern with the said bank and the said cheque is not issued to her. The account on which the cheque is issued, is of applicant No.2. Thus, *prima facie,* there appears sufficient material showing involvement of the applicants in the crime.

Custodial interrogation of the applicants is necessary for effective investigation.

8. Considering the attending circumstances, the applicants do not deserve discretionary relief of anticipatory bail. The application is rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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