

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 22 OF 2023

Mrs.Leena Peter

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondent

Mr.Wesley Menezes a/w Mr.Waqar Pathan i/b. Mr.Mahendra Ratna –
Advocates for Applicant.

Mr.S.R.Agarkar – APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 19TH AUGUST 2023

P.C. :

1. I have already heard learned Advocate and learned APP at great length on various dates. Number of contentions were raised by both the sides.

2. Applicant claims that she is an employee of V.G.N. Jewellers. Whereas, the Prosecution claims that she is not plain employee but she is the wife of Peter who is shown as an absconding Accused in the supplementary charge-sheet and the said Peter is also involved in encouraging the investors to invest the amount in that business. The *modus operandi* is like that the investors were assured of good

returns either in the form of money or in the form of gold. There are various claimants. Even though Nairs are the owner of V.G.N. Jewellers, the present Applicant used to work in various shops of said V.G.N. Jewellers. In the FIR, she is not named as an Accused but her name is disclosed during investigation. The First-Informant is one Shalini Patil and the offence is under Sections 420, 409, 406 of Indian Penal Code, 1860 ["IPC"] and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 ["MPID Act"].

3. Charge-sheet is filed by the Economic Offences Wing – Thane. In order to show complicity of present Applicant, the Prosecution claims that an amount of Rs.11,00,000/- and Rs.13,00,000/- were deposited in her personal account from two entities by name V.G.N. Jewellers and V.G.N. Chits and Finance Company Pvt. Ltd. It is mentioned in Para No.C of the affidavit-in-reply dated 30th March, 2023. The 42 bank accounts of the different entities, they are frozen and there is total balance of Rs.71,89,430/-. In Clause No.N of the said affidavit, there are several properties attached during investigation. It is mentioned on Page No.254-255. The properties at Sr.Nos.14 and 15 are the flats situated at Krupa Regency, Dawadi,

Dombivali (East), District : Thane. It is at Page No.255.

4. The Applicant has got an explanation to offer for this amount. She claims that she has obtained loan of Rs.10,00,000/- from V.G.N. Jewellers and it is shown in her balance-sheet. It is filed on Page No.113. One issue was raised whether her husband Peter is an Accused or not. There is original charge-sheet as well as supplementary charge-sheet. Initially, his statement was recorded, however, in supplement charge-sheet, he is shown as wanted Accused.

5. On the last date, the Applicant has filed convenience compilation in order to show how the money has been deposited in her person account. One is by way of loan from V.G.N. Jewellers to the extent of Rs.10,00,000/- and another Rs.5,00,000/- each from a Developer Jagan Patil.

6. Be that it may, considering the fact that charge-sheet is already filed and she is behind bar since March - 2022, I think she can be granted bail. This Court has also granted bail to co-accused Meera Nair in Bail Application No.33 of 2023. She has filed an affidavit in respect of her properties. A draft of affidavit to be sworn in by the Applicant is tendered across the Bar. It is taken on record and marked as Annexure-X. Let the

Applicant to incorporate in that affidavit that both the flats are seized as per the MPID Act, is a suggestion of learned APP. Further suggestion is that attachment can be till disposal of the trial. There is also a suggestion that let the husband can also file an affidavit. It is disputed by the Applicant as the husband is not arrested.

7. Once two flats are attached, I think the interest of the investors is secured to that extent considering the involvement of the Applicant for limited liability. So, the affidavit can be restricted only upto the Applicant. Subject to furnishing this affidavit, she can be granted bail.

8. In view of that, following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant - Mrs. Leena Peter be released on bail in connection with C.R. No. 467 of 2021 registered with Kolsewadi Police Station, District : Thane City for the offences punishable under Sections 420, 409, 406 of IPC and under Section 3 of MPID Act, on furnishing personal bond and surety bond of Rs.50,000/-.
- (iii) Let affidavit be submitted before the Court of Additional Sessions Judge – Kalyan mentioning that the attachment of two flats giving their description will be subject to conclusion of the trial and she will not alienate them in any manner.

- (iv) Applicant to cooperate the Police as and when required and not to leave the jurisdiction of State of Maharashtra without obtaining permission from the concerned Court.

9. These are my prima facie observations. Let the learned trial Court need not be influenced by them.

10. Application is disposed of in the aforesaid terms.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]