

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 334 OF 2021

Geetanjali H. Nazirkar
V/s.

...Applicant

The State of Maharashtra

...Respondent.

Mr. Aabad Ponda, Sr. Advocate a/w. Mr. Shailesh Kharat and
Mr. Aniket Nangare i/b Mr. Nitesh V. Bhutekar for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 19.01.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. On 10 February 2021, this Court passed the following order:

"1. The applicant is seeking anticipatory bail in connection with C.R. No. 644 of 2020 registered at Baramati Police Station, Pune, on 27/12/2020 under Sections 417, 468, 471, 477 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Aabad Ponda, learned senior Counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR was lodged by one Wajid Bagwan. He has stated that one Khomane approached him in the year 2011. The informant is a small time fruit vendor. Khoamane sold some fruits to the informant at lesser price. Therefore the informant started buying fruits from him at lesser rates. It is the case of the informant that using this business relations, the said Khomane took signatures of the informant on blank stamp papers. Allegations are that on these stamp papers it was

written

that the informant had purchased fruits worth lakhs of rupees. Similar modus operandi was used with other fruit purchasers-vendors. The prosecution case appears to be that it was all bogus transaction and it was done to show that money had come in the accounts of various family members and friends of the main accused Hanumant Nazirkar, through sale of fruits in huge quantity. Actually no such transactions of buying and selling of fruits in such a huge quantity had taken place.

3. *Shri Ponda, learned Senior Counsel for the applicant relied on the case of Mrs. Komal Daya Nayak Vs. The State of Maharashtra in Criminal Application No.426 of 2006 whereby single Judge Bench of this Court (Coram: V.M. Kanade J.) vide order dated 7th and 8th February 2006 had granted anticipatory bail to the applicant therein, who was wife of the main accused who had allegedly amassed wealth disproportionate to his known source of income. Shri Ponda relied on the observations of paragraph No. 22 of that order wherein it was observed that the transactions in that case were made by the main accused. The applicant therein was used for purpose of laundering that illegal money. Considering this fact, anticipatory bail was granted to the applicant therein. Shri Ponda submitted that that these observations are squarely applicable to the case of the present applicant. The applicant in this case, is an unmarried daughter of the main accused who has used her account and her name to launder ill-gotten wealth.*

4. *Shri Yadav, learned APP sought time to put material against the present applicant on record through an affidavit of the investigating officer. He opposed grant of anticipatory bail to the present applicant.*

5. *In this case it is necessary that investigating officer files an affidavit pointing out the exact nature of involvement of the present applicant and to show that she had committed the offence independently and was not used by her father. To enable learned APP, to file affidavit, today I am adjourning the matter. However, considering the submissions made by Shri Ponda, as of today, the applicant can be protected till the next date,*

with directions to her to co-operate with the investigation. Learned APP shall file an affidavit of the investigating Officer on or before 10/3/2021 with copy to other side.

6. *Hence the following order.*

ORDER

(I) In the event of her arrest in connection with C.R. No.644/2020, till the next date, the Applicant is directed to be released on bail on her executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 17/03/2021.

(iii) The applicant shall attend the concerned Police Station on 22nd, 23rd, 24th and 25th February 2021 between 1.00 p.m. to 5.00 p.m. and shall co-operate with the investigation. In addition she shall attend the concerned Police Station as and when called and shall co-operate with the investigation.

(iv) Stand over to 17/03/2021."

3. Pursuant to the above order the investigating officer has filed affidavit-in-reply and has stated that considering the nature of offence, the custodial interrogation of the applicant is necessary. However, it appears that during pendency of the present application, the prosecution has filed the charge-sheet against the present applicant. Considering the overall facts and circumstances of the case, the interim order passed by this Court on 10 February 2021 is hereby confirmed.

4. Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]