IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.672 OF 2022
WITH
INTERIM APPLICATION NO.1147 OF 2022
IN
BAIL APPLICATION NO.672 OF 2022

Mrs. Neelam Singh ...Applicant

Versus

The State of Maharashtra ...Respondent

…

Mr. Mithilesh Mishra i/b. Advocate Vritee Ssoni for the Applicant.
Mr. S.V. Gavand, APP for the Respondent-State.
Mr. P.G. Sarda with Mr. Sachin Raje for the Intervenor.
API-Roshan Raorane, Unit-6, EOW, Mumbai.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2023.

ORAL ORDER :-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant, who has been arrested in EOW Crime No.58 of 2021 registered with Economic Wing Unit-IV, Mumbai, for offences punishable under Sections 409, 465, 467, 468, 471, 120-B of the Indian Penal Code.

2. Heard Mr. Mithilesh Mishra, learned counsel for the Applicant and Mr. P.G. Sarda, learned counsel for the Intervenor and

Mr. S.V. Gavand, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Jaydeep Sanath Sinha, Deputy General Manager at United India Insurance Company Ltd. having office at CBD Belapur, Navi Mumbai, hereinafter referred to as the 'Insurance Company'. The facts narrated in the First Information Report and other material on record prima facie indicate that Kushal Singh, the husband of the Applicant had joined the Insurance Company in the year 2012 as an Administrative Officer, Circle Office, Nagarcoil, Tamilnadu. He was subsequently promoted as Assistant Manager, and was posted at Mumbai on 23/09/2016 in the Accounts Department and had overall dominion over operation of the bank accounts of the Insurance Company.

4. The Applicant also joined the Insurance Company in the year 2012 as an Administrative Officer, Mumbai Regional office. She was promoted as Assistant Manager and continued to be posted at Mumbai Regional Office. The Insurance Company had received a letter

dated 21/05/2021 from HDFC Bank stating that their internal team had noticed multiple debit transactions made to a specific set of beneficiary account. It had flagged these transactions as irregular. Pursuant to the said letter the Insurance Company held preliminary enquiry and it was revealed that the transactions were fraudulent. Hence, the FIR.

5. The records prima facie indicate that Khushal Singh, the husband of the Applicant had transferred an amount of Rs.8.09 crores from HDFC Bank Account of the Insurance Company to his personal account. He had also siphoned off Rs.128 crores from the account of the Insurance Company with Standard Chartered Bank by preparing 288 Demand Drafts in the names of third parties. He had also siphoned off Rs.58 crores from the account of the Insurance Company with City Bank, Chennai. He had thus, siphoned off an amount of Rs.194.04 crores from the account of the Insurance Company. The prosecution has given the details of the modus operadi of the fraud.

6. The records reveal that the Applicant and her husband have registered three different companies viz. Dharohar Hospitality Pvt. Ltd. on 12/02/2021, Unicorn Investing Ideas LLP on 18/02/2021 and

Neelam Reality Pvt. Ltd. from 14/03/2021. The Applicant and her husband, whose monthly income did not exceed Rs.1,00,000/- each, have purchased 22 properties including residential flats and commercial tenements at Delhi, Gurgaon, Greater Noida, Gaziabad, Ahmedabad and Jaipur, in their names and in the names of the parents of accused No.1-Khushal Singh and in the names of third parties. The Applicant and her husband have invested an amount of Rs.80 crores with different developers. The records prima facie indicate that part of siphoned amount has gone into the account of the Applicant and her husband. The amount, which was transferred from the account of the accused No.1-Khushal Singh to this Applicant has been invested by her in different mutual funds. She has also withdrawn cash from the account and has transferred huge amount into the account of M/s. Spaze Tower, M/s. Harshit Enterprises and M/s. Jaipur Jewelers and other companies. The Applicant had also deposited Rs.5,34,651/- through challan from her State Bank of India account towards income tax on behalf of Insurance Company to make good shortfall of the amount in the account of the Insurance Company due to siphoning off the amount. Prima facie this was an attempt to ensure that the misappropriation was not detected. The Applicant with the help of her husband had paid an amount of Rs.57,50,000/- towards her advance income tax from the HDFC Account of the Insurance Company. The Applicant is prima facie a beneficiary and is involved in the conspiracy with the accused No.1.

7. Considering the nature of the accusations against the Applicant and the material in support thereof, in my considered this is not a fit case to exercise discretion in her favour. Hence, the application is dismissed.

8. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of bail and the same shall not in any way influence the trial in other proceedings.

(SMT. ANUJA PRABHUDESSAI, J.)