

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.544 OF 2021

Dr. Bhagyashree Bhaskar Mandalik ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Viresh V. Purwant for the applicant.

Mr. Pandurang H. Gaikwad, APP for the
respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 14, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.1635 of 2020 registered with Swargate Police Station, Pune for offence punishable under Sections 406, 420 and 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999, the applicant has filed present anticipatory bail application under Section 438 of the Criminal Procedure Code, 1973.

2. The prosecution's case in short is that one Machhindra Kupade based on newspaper advertisement issued by one Nagesh Chavan about prospects of earning handsome money contacted him. He worked with Nagesh Chavan but there was no progress. Accused Nagesh Chavan and one Manali Ketkar introduced the

informant to one Nivedita Kulkarni. The informant was told that Nivedita Kulkarni had lost her husband and she is expected to receive crores of rupees but for completion of procedure to recover the amount she is in need of money. Anybody who helps her to recover the amount would get handsome returns. The report named different persons and their investments made with Nagesh Chavan and Nivedita Kulkarni.

3. The principal allegation is of misappropriation of money causing loss to the informant and others. The applicant has been attributed role of receipt of amount of Rs.5,75,000/- through one Chintamani Thakkar. According to the prosecution, the applicant in connivance with other accused committed alleged offence.

4. The applicant, therefore, approached the learned Sessions Judge which came to be rejected by order dated 11 February 2021. Aggrieved thereby, the applicant has filed present anticipatory bail application.

5. This Court by order dated 26 February 2021 protected the applicant by granting interim relief. There is no grievance that the applicant has failed to comply with the conditions imposed or the applicant has not cooperated with the investigation.

6. The investigation is in progress. Prima facie the material on record shows that the applicant received commission amount. There is no material to indicate that the applicant is the beneficiary of various amounts paid by the victims. According to the applicant, she herself is a victim as she has immediately transferred amount to Nivedita Kulkarni.

7. In that view of the matter, the interim relief granted by this Court deserves to be confirmed on the same terms conditions as stated in order dated 26 February 2021.

8. The anticipatory bail application stands allowed in above terms. No costs.

(AMIT BORKAR, J.)