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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.989 OF 2023**

Sapna Ashish Thawale

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Swapnil R. Chopde with Mr. Govind Tamboli i/b Mr. Amit Dhindale for the Applicant.

Mr. Y. Y. Dabke APP for the Respondent-State.

Mr. N. K. Yashvantrao, API, Khadakpada police station present.

CORAM : S. M. MODAK, J.

DATED : 24TH APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. On the complaint of the first informant-Ajay Pralhad Avate, Khadakpada police station have registered an offence being C.R. No.69 of 2023, under sections 420 and 426 read with 34 of IPC against in all two persons, accused No.1-Aashish Thawale and accused No.2-Sapna Thawale. They are husband and wife. The present Applicant is accused No.2.
3. The cause of action is monies accepted for purpose of booking

tickets to Dubai and for conducting tour and those promises were not fulfilled by accused No.1-Aashish Thawale. He runs a business in the name and style of Arnika Tours and Travels. The money and booking amount is received by his fellow business colleague Mr.Dipak Wankhede. Mr. Dipak Wankhede runs business in the name and style of D. M. World Holidays. The said Dipak transferred the amount of Rs.13,15,000/- not in the name of the husband but in the name of his wife, who is present Applicant. When the question of fulfillment of promise has come, the husband has backed out.

4. Now the contention is raised that present Applicant is no way concerned with the promises and their fulfillment. Even though, it may be accepted for the sake of argument, the question is that entire amount is deposited in the bank account of present Applicant. If such huge amount is deposited in the bank account, she must be careful for what purpose this amount is deposited. She may be justified in believing her husband. However, when the question of fulfillment of promise has arisen, she cannot say that I am not aware about this deposit. Ultimately, she is recipient of the amount. And her husband who is also an accused is not treacable.

5. Even though it may be true that the first letter was sent to both

accused persons on 10th February 2023, prior to registration of the FIR., notice under section 41(1)(A) was given on 23rd February 2023. page 27. The learned Additional Sessions Judge, Kalyan, directed the police to communicate reasons of arrest as per the order dated 1st March 2023. Those reasons are at page 14 communicated by letter dated 15th March 2023.

6. Even though contention is raised that present Applicant has co-operated with police earlier, when I perused the grounds of arrest, I found that her custodial interrogation is required. Ultimately, this money has been gained by cheating the first informant and by not using it for purpose for which the money is entrusted and ultimately, it is transferred to the bank account of the Applicant from Mr. Dipak Wankhede. So even though the Applicant is a lady, being recipient of the amount, her custodial interrogation is required.

7. For the above observations, Application is dismissed.

8. These are my prima facie observations and the trial Court may not be influenced by that.

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

[S. M. MODAK, J.]