



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

BAIL APPLICATION NO.1437/2023

DURGA RADHAKRUSHNA CHODANEKAR ..APPLICANT
VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Sahana Manjesh for the applicant.

Mr. P. H. Gaikwad, APP for the State.

API Dr. Chandrakant Gharge, Dindoshi police station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 406, 420 read with 34 read with 120-B of the Indian Penal Code (hereafter 'IPC' for short) registered on 1/3/2022 vide C.R. No.157/2022 with Dindoshi Police Station.

3. It is the allegation of the complainant that he wanted to transfer cash of Rs.2 crores to his nephew. Accordingly, he was informed that the applicant would be in a position to

help him. The complainant met the applicant in the office where she was working. The applicant introduced the complainant to the co-accused and assured that money will be transferred. The money was handed over to the co-accused.

4. Learned APP was at pains to submit that all along the applicant was with the co-accused. He submits that though Rs.2 crores was actually handed over by the complainant to the co-accused, but the same was in the presence of the applicant.

5. My attention is invited to the First Information Report (FIR) to indicate the involvement of the applicant. From the statement of the complainant, it appears that the entire amount was handed over by the complainant to the co-accused Murali who had assured that the said amount would be transferred through RTGS or through 'angadiya' to the nephew of the complainant. The money was handed over on 4/2/2022.

6. On 5/2/2022, it was realized that the complainant was cheated. The applicant and co-accused had initially attended to the phone calls of the complainant, later on, the

telephone of the applicant and that of the co-accused was switched off.

7. There is nothing on record to indicate that the applicant is the beneficiary of any of the amount. The money, even according to the applicant was handed over to the co-accused. The applicant is a woman. The applicant was arrested on 2/3/2022 and is in custody for more than fifteen months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. In the facts and circumstances of the case, the applicant being a woman and considering the accusations, in the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Durga Radhakrushna Chondanekar in connection with C.R. No.157/2022 with Dindoshi Police Station, shall be released on bail on her furnishing P.R. Bond

of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Dindoshi police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall not leave Mumbai/Mumbai Suburban District without intimating to the investigating officer or without permission of the trial Court till the trial is concluded.

(i) The applicant shall surrender his/her passport, if any, to the investigating officer.

8. The application is disposed of.

9. Suffice it to observe that the observations made are for the limited purpose of considering the question of bail and shall not influence the trial Court while considering the matter on merits.

(M. S. KARNIK, J.)