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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1433 OF 2023**

Pooja Ajit Bhosale / Joshi

... Applicant

vs.

State of Maharashtra

... Respondents

Mr. Umesh H. Pawar for the Applicant.

Mr. R. M. Pethe, APP for the State.

Mr. Prashant P. Jadhav for the Original Complainant.

Ms. Sunita Bhagaran Shelake, PSI, Shahupuri Police, Kolhapur.

CORAM : GAURI GODSE, J.

DATED : 17 MAY, 2023

(VACATION COURT)

P.C. :-

1. This Application is filed seeking pre-arrest bail in connection with C.R. No. 488 of 2023 dated 24th April 2023, registered with Shahupuri Police Station, Kolhapur, for alleged offences punishable under Sections 406, 420, 468 and 471 of Indian Penal Code and Section 3 of M.P.I.D. Act.

2. By an order dated 8th May 2023, learned Additional Sessions Judge Kolhapur has rejected the Anticipatory Bail Application.

3. Learned counsel for the Applicant submitted that Applicant is ready and willing to deposit the amount mentioned in the Complaint. Learned counsel submitted that by an order dated 4th May 2023, though interim protection was granted by recording undertaking of the Applicant that she is ready to deposit Rs. 22,37,200/- in the Court, there were no directions given to deposit and hence Applicant was unable to deposit the amount.

4. I have perused the order dated 8th May 2023 by which Anticipatory Bail Application is rejected by the learned Additional Sessions Judge, Kolhapur. Learned Judge, in paragraph 10 of the order dated 8th May 2023, has recorded that on 4th May 2023 applicant had given an undertaking that her accounts at Cosmos Bank (Branch Gokhale Nagar, Pune), Janta Sahkari Bank Ltd., Pune (Branch Shahupuri, Kolhapur), IDBI Bank (Branch Islampur) are sealed/freeze by the police and if there is an order passed to defreeze the same she was ready to deposit the entire amount of the complainant and investors of Rs. 22,37,200/-. The learned Judge has further observed that as per the bank statement of IDBI Bank filed by the investigating officer, the balance in the said account showed only Rs.13.35. Hence it is observed that a false statement was made before the Court.

5. I have perused the Application submitted on behalf of the Applicant in the Sessions Court. The Application is dated 4th May 2023. Copy of the Application submitted by the said Applicant prayed for an order to defreeze her accounts and had also stated that she was ready to deposit the amount of Rs.22,37,200/- under protest.

6. The learned Additional Sessions Judge, by order dated 4th May 2023, had granted interim protection to the Applicant. In the said order in paragraph 7, an undertaking of the Applicant was recorded that she is ready to deposit the amount of Rs. 22,37,200/- in the Court on 5th May 2023. Learned counsel for the Applicant is unable to show any Application or any steps taken on behalf of the Applicant to comply with the undertaking given to the Court and as recorded in paragraph 7 of the order dated 4th May 2023. Hence the explanation given on behalf of the Applicant today that since there was no specific directions given to deposit the amount, the Applicant was unable to deposit the amount is completely misconceived and not acceptable.

7. By order dated 8th May 2023, the anticipatory bail application filed by the applicant is rejected. The learned counsel for the

applicant submitted that the allegation made in the complaint are vague allegations and that the applicant disputes the allegation made against her. The learned counsel on instructions, further submitted that the Applicant is ready to disclose the total amount received by the Applicant from the investors and deposit the same in this Court. He further states on instructions that the applicant has received the amount from about 1000 depositors, and hence the applicant is ready to deposit an amount of Rs. 45 lakhs within three weeks from today.

8. Learned APP submitted that similar assurance was also given by the Applicant before the learned Sessions Court. However, the Applicant has not abided by the assurance given before the Sessions Court. The learned APP further submitted that such a statement is made only for seeking temporary protection and that such assurance is not a genuine assurance considering the previous conduct of the applicant.

9. Learned APP has placed on record the investigating papers for my perusal. He submitted that on the basis of the investigation carried out till date, it is clear that applicant is involved in the issuance of bogus fixed deposit receipts and also bogus bank

ledger extracts. He, therefore, submitted that the total amount fraudulently collected by the Applicant would be much more than the amount sought to be deposited by the Applicant.

10. He, therefore, submitted that the Applicant is not entitled to any protection and custodial interrogation is necessary for investigation. Thus, no protection be granted to the Applicant. Learned APP further submitted that perusal of the complaint itself shows that the Applicant has taken huge amounts from the investors on the basis of fraudulent documents.

11. I have perused the complaint as well as the investigation papers submitted by the learned APP for my perusal. The allegations against the Applicant are very serious in nature, and the case calls for custodial interrogation. The submission made on behalf of the applicant regarding showing a willingness to deposit the amount does not appear to be genuine in view of the earlier conduct of the Applicant of not abiding with the undertaking given to the learned Sessions Court. In view of the serious allegations against the Applicant, a large number of investors being affected, as well as the likely huge amount alleged to have been fraudulently taken from the investors, custodial interrogation will be necessary. I

do not find any reason to grant interim protection as prayed by the Applicant.

12. Hence the application for grant of anticipatory bail is rejected.

(GAURI GODSE, J.)