

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

ANTICIPATORY BAIL APPLICATION NO. 1641 OF 2023

Mrs. Radha Rahul Wagh	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Rumman Shaikh i/b. Mr. Husen Shaikh for the Applicant.
 Mr. R.M. Pethe, APP for the State.
 Mr. Karan Singh Rajput a/w. Mr. Abhijeet Deshmukh for
 the first informant.
 Mr. Satesh Maske, API, Shahu Nagar Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
 DATED : 07th JULY, 2023.**

P. C. :-

1. The Applicant apprehends her arrest in C.R.No.03/2023 registered with Shahu Nagar Police Station, Mumbai for offences punishable under sections 403, 408, 465, 468, 471, 477(A) r/w. 34 of the Indian Penal Code and sections 23 and 67 of Maharashtra Public Trust Act.

2. Heard learned counsel for the Applicant and learned APP for the 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 Dr. Natrajan, who is the Managing Trustee of "Aditya Jyot Eye

Foundation For Twinkling Little Eye”. The said trust is presently named as ‘Kamla Sunderam Foundation’. The said trust was established for charitable purposes and is undertaking number of camps for blind people. It is stated that the Applicant was appointed as an Accountant of the said trust. One of the duties of the Applicant was to collect money from the patients and to deposit the same in the Bank. The FIR indicates that the Applicant along with co-accused (Vaibhav Banjan and Mamta Panigrahi) collected amount from the patients but did not deposit the same in the Bank. They have thereby misappropriated an amount of Rs.69,81,525/-.

4. Learned APP has placed on record original bank statement as well as its copy which has been forged and fabricated. The records indicate that a false seal of the Bank has been put on the said forged statement. Learned counsel for the Applicant states that the Applicant has repaid an amount of Rs.13,00,000/- from the amount allegedly misappropriated. The same would not absolve the Applicant of criminal liability nor can be considered as favorable circumstance to exercise discretion under section 438 of Cr.P.C., particularly when the material on record prima facie indicates that the Applicant is involved in forging documents including the bank statement and

misappropriated huge amount of charitable trust which is working for blind people.

5. Considering the nature of accusations against the Applicant and the material in support thereof, in my considered view, this is not a case to exercise discretion under section 438 of Cr.PC. Hence, the Application is dismissed. Interim Application, if any, stands disposed of in view of dismissal of ABA.

PREETI
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JAYANI

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Date: 2023.07.12
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(SMT. ANUJA PRABHUDESSAI, J.)