

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.264 OF 2023

Vandana Vasant Rao Vairagade

Vs.

State of Maharashtra, Through Police Station Officer, Police Station Chandur Bazar,
District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal, Counsel for applicant.
Mr. S. M. Ghodeswar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/06/2023

1. The present application is for anticipatory bail in the event of her arrest in respect of Crime No.209/2023 registered with Police Station, Chandur Bazar, District Amravati for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending her arrest at the hands of police as crime is registered against the present applicant and other co-accused on the basis of report lodged by Manoj Motwani on an allegation that she along with co-accused have misappropriated a sum of Rs.Two Crores by selling plots which they were not authorized to do so. It is contention of the applicant that prime allegations are against the sons of the present applicant. The only allegation of the present applicant

that the amount of Rs.Two Lakhs is deposited in the account of the present applicant. The said amount has not been withdrawn. The custodial interrogation of the present applicant is not required as there is no allegation that she has misappropriated the sum of Rs.Two Crores. Hence, she be released on anticipatory bail in the event of her arrest.

3. The said application is strongly opposed by the non-applicant/State on the ground that in furtherance of their common intention the amount was misappropriated and hence her custodial interrogation is required and therefore, application deserves to be rejected.

4. Heard learned Counsel Mr. P. R. Agrawal for the applicant and learned APP Mr. S. M. Ghodeswar for the non-applicant/State.

5. Perused the investigation papers, it reveals that only allegation against the present applicant is that co-accused Nilesh deposited an amount of Rs.Two Lakhs in her account. No other allegations are made against the present applicant to show her involvement in the alleged offence. At this stage, it is apparent that being she is the mother of the co-accused and some amount was deposited in her account, she is arrayed as an accused in the present crime. From the recitals of the FIR, immediate custody of the present applicant is not at all required. In view of that, the application deserves to

be allowed by imposing certain conditions. Hence, I proceed to pass following order.

(i) The application is allowed.

(ii) In the event of the arrest, the applicant Vandana Vasantao Vairagade is hereby released on anticipatory bail on furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.209/2023, registered with Police Station Chandur Bazar, for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code.

(iii) The applicant shall attend the concerned Police Station, as and when required for investigation purpose.

(iv) The applicant shall submit her mobile/ phone number along with her address with address proof, before the Investigating Officer.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person concerned with the above crime and shall not tamper with the evidence.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)