



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [ABA] No.398 of 2023**

*Sou. Kanchan w/o Prakash Agrawal*

vs.

*State of Maharashtra, through P.S.O. Police Station Asegaon (Purna),  
Tah. Chandur Bazar, Dist. Amravati*

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*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*

*Court's or Judge's Orders*

*Mr. S.T. Dhurwey, Advocate for the Appellant.*

*Mr. S.M. Ghodeswar, A.P.P. for the Non-Applicant/State.*

**CORAM : M.W. CHANDWANI, J.**

**DATE : 29<sup>th</sup> AUGUST, 2023.**

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

02] Perusal of the F.I.R. goes to show that the informant-Sou. Babli Mohan Kaithwas used to deposit Rs.15,000/- per month from 10/09/2019 to 10/09/2022 towards Bhishi (Chit Fund) with the applicant. The informant, in all, had deposited Rs.5,40,000/- with the applicant. When the turn of the informant came to receive back the amount of Bhishi from the applicant, the applicant refused to pay the same to the informant and, therefore, offence punishable under Sections 420 and 406 of the Indian Penal Code vide Crime No.141/2023 came to be registered by the Asegaon Police Station, Amravati (Rural).

03] It is submitted on behalf of the applicant that the informant/complainant had lodged false report against the applicant. It is further submitted that apart from the present case, the informant had earlier lodged complaint implicating the applicant in atrocity case

vide Crime No.234/2022 registered by Asegaon Police Station. It is contended that even it is presumed that the amount is required to be paid to the informant, but it is a dispute over payment of money and by no stretch of imagination, it can be said that the applicant committed an offence punishable under Sections 420 and 406 of the Indian Penal Code.

04] The learned A.P.P., on the other hand, opposed the bail application on the ground that the applicant has not only withheld the amount of the informant, but also of some other persons, who used to deposit monthly amount towards Bhishi with her. He submits that this shows that since inception, the intention of the applicant was, not to repay the amounts of the informant and other members and, hence, he objects the bail application.

05] Perusal of the case papers filed by the applicant goes to show that earlier also, the same complainant has lodged her complaint against the applicant for the offence punishable under Sections 294, 504 and 506 of the Indian Penal Code read with Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in which the applicant had already released on anticipatory bail. It appears from the case diary that there are transactions of the amount between the informant and the applicant, rather than the allegations of the running Bhishi by the applicant.

06] Be that as it may, the fact remains that the matter is only of not returning the money by the applicant to the complainant. The applicant is a lady. For investigation purpose, she can be interrogated during her attendance before the concerned Police Station. Considering the fact that after grant of anticipatory bail in the earlier

crime, this another crime came to be registered against the applicant on the complaint of the same informant/complainant and also considering the nature of allegations, case is made out for anticipatory bail. Hence, the following order is passed :

**ORDER**

- i. The application is allowed.
- ii. The interim order granted by this Court on 3<sup>rd</sup> July, 2023 is hereby confirmed.
- iii. The applicant shall cooperate with the investigation and attend the concerned Police Station as and when directed by the Investigating Officer.
- iv. The application is disposed of in the aforestated term.

**JUDGE**

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