



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

**CRIMINAL APPLICATION (ABA) NO. 395 OF 2023**  
(Swati Manish Jain Vs. State of Maharashtra)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order  
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Court's or Judge's Order

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Shri M.N. Ali, Advocate for the applicant.  
Shri A.M. Kadukar, APP for the State.  
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**CORAM :- URMILA JOSHI-PHALKE, J.**  
**DATED :- AUGUST 18, 2023.**

Heard.

2. Present application is for grant of anticipatory bail in the event of arrest of the applicant in connection with Crime No.91/2023 registered at police station M.I.D.C. Akola, District Akola for the offence punishable under Sections 409, 420 and 120-B read with Section 34 of the Indian Penal Code.

3. Present applicant is already protected by granting ad-interim anticipatory bail. The accusation against the present applicant is that her husband is the owner of the Unnati Corporation. The co-accused Mohini Dorkar and Aashish Dorkar through their Mahananda Krushi Udyog, purchased Chanadal (gram) worth of Rs.2.3 Crore from the informant and through the husband of the present applicant. Said grains were stored in the godown belonging to the said Narendra Bhala. However, neither the co-accused Manish Jain nor the owners of the Mahananda Krushi Udyog paid the price of the said

food-grains to the agriculturist. The present applicant is the wife of said Manish Jain. It is alleged that the informant demanded the amount on several occasions from the present applicant also but she denied to pay the amount and she has also misappropriated the amount of Rs.1,47,22,614/-.

4. As per the contention of the applicant, she is implicated in the alleged crime merely because she is the wife of Manish Jain. The entire bank transaction between the informant and her husband has taken place. She was not a part of the said transaction. In the FIR, general allegations are made against her, custodial interrogation is not required.

5. Said application is strongly opposed by the State on the ground that considering the huge stake of the misappropriation amount, the custodial interrogation of the present applicant is required and prays for rejection of the application.

6. Having heard learned Counsel for the applicant and learned Additional Public Prosecutor for the State. On perusal of the investigation papers it reveals that general allegation is made against the present applicant. No transactions are took place between the present applicant and the agriculturist of the Mahananda Krushi Udyog. It is apparent that she is implicated merely because she is the wife of co-accused Manish Jain. As far as custodial interrogation is concerned which is not required as there is no specific allegation against her.

Moreover, nothing is to be recovered from her, therefore, ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order :

- i) In the event of arrest, the applicant in Crime No.91/2023 registered at police station M.I.D.C. Akola, District Akola for the offence punishable under Sections 409, 420 and 120-B read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.
- ii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- iii) The applicant shall furnish her Cell-phone number and address with address proof.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

**(URMILA JOSHI-PHALKE, J.)**