



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

CRIMINAL APPLICATION (ABA) NO. 797/2023

(Bharti Lukcy Bhutani V/s State of Maharashtra)

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

Court's or Judge's Order

Mr. P.S. Jaiswal, counsel for the applicant.

Mrs. D.I. Charlewar, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/12/2023.

1. By this application, the applicant is seeking pre-arrest bail, in the event of her arrest, in connection with Crime No.676/2023 registered with the Police Station, Lakadganj, District Nagpur for the offences punishable under Sections 409, 420, 467, 468 of the Indian Penal Code, 1860.

2. Mr. Prakash Jaiswal, learned counsel for the applicant submitted that the applicant was serving as a Clerk in Administration at Vidya Niketan School, run by Punjab Seva Samiti at Wardhaman Nagar, Lakadganj, Nagpur. While serving on the said post and at the time of receiving fees from students, it is alleged that she has misappropriated the amount which is collected towards the fees. In the year 2023, the school management came to know about this staff from the auditor, that some fees are shown to be balanced against the students, and it reveals that the fees are already paid by the students. It was the present applicant who has misappropriated the

fund. At the relevant time, the applicant was on maternity leave. From the statements of the parents, it reveals that they have paid school fees and possessed the receipt from the same. On the basis of said report, the police have registered the crime.

3. The learned counsel for the applicant submitted that as the applicant has not followed the directions issued by the Secretary, this false report is filed. Moreover, now the applicant has deposited the amount of Rs. 8,16,620/-, therefore, the custodial interrogation of the present applicant is not required. Now, nothing is to be recovered from her.

4. Moreover, he invited my attention towards the memorandum of understanding, by which the secretary of the institution and the present applicant arrived at an amicable settlement, and in view of the settlement, she has deposited the amount. He submitted that considering the same, the applicant be protected by granting anticipatory bail.

5. The learned APP strongly opposed the present application on the ground that custodial interrogation of the present applicant is required. Considering the severity of the charges levelled against her and prays for the rejection of the application.

6. After hearing the learned counsel for the applicant and learned APP for the State. Perused the

recitals of the FIR. From the recitals of the FIR, it reveals that allegations against the present applicant is that she has misappropriated the amount which is collected against the fees from the students. It further reveals that the secretary of the institution Gopalkrishna Harbhagwandas Arora and the present applicant arrived at settlement and executed memorandum of understanding.

7. Furthermore, in view of that memorandum of understanding, the applicant has already deposited the amount. So, the purpose of the custody regarding recovery is already fulfilled. Now, the custodial interrogation of the present applicant is not required. As far as the interrogation part is concerned, some conditions can be imposed on the present applicant. Accordingly, I proceed to pass following order:

- a. The criminal application is **allowed**.
- b. In the event of her arrest, in connection with Crime No.676/2023 registered with the Police Station, Lakadganj, District Nagpur for the offences punishable under Sections 409, 420, 467, 468 of the Indian Penal Code, 1860, the applicant – Bharti Lucky Bhutani is released on anticipatory bail on executing PR. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

- c. The applicant shall attend the concerned police station as and when required for the investigation purpose and shall co-operate with the investigation.
- d. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

The criminal application is
disposed of.

[URMILA JOSHI-PHALKE, J]