



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 BAIL APPLICATION NO. 119 OF 2024

Latabai Hiranman Salunkhe
VERSUS
The State Of Maharashtra

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Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent : Mr. V. M. Jaware
Advocate for Assist to APP : Mr. C.C. Deshpande

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CORAM : S. G. CHAPALGAONKAR, J.

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Reserved on : February 06, 2024
Pronounced on : February 08, 2024

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ORDER :-

1. The applicant seeks regular bail in connection with Crime No.0290 of 2023 registered with Mohadi Nagar police station, District Dhule for the offences punishable under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Investigation has been set in motion on the basis of the information given by one Pratibha Eknath Patil, who alleges that she is a house wife. The applicant/accused Latabai resides in her area. Because of her acquaintance with Latabai, she had usual conversation with her. In the year 2013, informant started investing money in chit-fund (Bhishi) run by accused. The applicant/accused induced her to invest more and more amount till 2020. There were many others like informant who participated in the chit-fund run by the applicant/accused. Although, since 2020 informant and others were demanding for payment of maturity amount,

applicant/accused just kept them assuring and finally failed to pay the amount. In pursuance of the aforesaid information, offence came to be registered against the applicant and others under section 406, 420 r/w 34 of the IPC. The applicant came to be arrested on 17.10.2023. She was subjected to MCR and since then she is behind the bar. Prayer of the applicant for grant of bail has been rejected. Investigation is complete and charge-sheet is filed. The applicant moved her second application for grant of bail. However, the learned Sessions Judge, Dhule vide order dated 6.1.2024 rejected her prayer. Hence, present application.

3. Mr. Shaikh Mazar Jahagirdar learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. There is no evidence that applicant was running any chit-fund/Bhishi or she has collected alleged amount from the informant and others. He would submit that the applicant is a lady. She is behind bar since last four months. Investigation in the matter is complete. Charge-sheet is filed.

4. Learned A.P.P. as well as learned advocate appearing for the informant vehemently opposed the prayer for grant of bail. They would point out that during investigation, statements of many persons who have been duped by the applicant/accused have been recorded. Cumulative sum involved in the offence is more than 56 Lakhs. Till this date, nothing could be recovered from the applicant/accused. All victims of crime are the poor persons who contributed in chit-

fund with intention to save and receive consolidated sum to meet their future need.

5. Having considered the submissions advanced, apparently, there are allegations that the applicant was running illegal chit-fund scheme and participants of the scheme have been duped for huge amount. As per estimate of the prosecution, amount involved in commission of offence is more than 55 Lakhs. Pertinently, the period of offence is shown from 2015 to 2020. Perusal of statements of various victims would show that they were contributing monthly sum of Rs.5,000/- to Rs.15,000/- and participated in the scheme since 2015 onwards. However, there were no complaints regarding misappropriation in the intervening period.

6. Investigation in the matter is complete and charge-sheet is filed. Apparently, there is no documentary evidence by which the alleged transaction can be proved. Entire prosecution case is based on statements of the witnesses recorded under section 161 of the Criminal Procedure and contents of the FIR. Learned counsel appearing for the applicant would submit that exponential figures have been quoted in statements of the witnesses and the applicant has been falsely implicated. There is no evidence on record to confirm the actual amount of transaction. It is therefore the matter of trial. The applicant is a lady and she is behind bar for more than four months. Since investigation is complete, her further detention would not be necessary. Presence of the applicant during trial can be secured by putting certain conditions. In that view of the matter, case is made out for

grant of bail subject to certain conditions. Hence, the following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - Latabai Hiranman Salunkhe be released on bail in connection with Crime No.0290 of 2023 registered with Mohadi Nagar police station, District Dhule for the offences punishable under sections 406, 420 r/w 34 of the Indian Penal Code on her furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper prosecution evidence or pressurize the witness named in the charge-sheet.
 - b] The applicant shall not leave State of Maharashtra without prior permission from the trial court.
 - c] The applicant shall attend each and every effective date of hearing before the trial Court.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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aaa/-(f)