IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 194 OF 2024

Smt. Suman W/o. Atul Pardeshi
VERSUS
The State Of Maharashtra And Another

Mr. Sandip Rathod h/f Mr. Talekar and Associates for the applicant
Mrs. P. V. Diggikar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 22nd OCTOBER, 2024

PER COURT :-

1. It is in the case wherein number of investors are duped by the present applicant and her husband who are the directors of a investment company.

2. Applicant apprehends arrest in connection with Crime No. 6/2023 registered with Shirdi Police Station, Dist. Ahmednagar for the offence punishable under Sections 120-B, 406, 409 and 420 of Indian Penal Code and Section 3 of Maharashtra Interest of Depositors (in Financial Establishments) Act, 1999.

3. The first informant report indicates that a finance investment company was formed by the present applicant along with her husband and others. They received investment in the form of fixed deposits from the various investors. Report further indicates that the investors were

alured by assurance of payment of higher interest rate. Even after the completion of period of investment, the amounts were not returned and hence, report came to be lodged.

4. Learned counsel for the applicant submits that applicant is a lady. It is his contention that the husband of the applicant was running the company and that applicant had no concern with its day to day affairs. It is his further contention that there is no evidence to indicate that the applicant is the beneficiary of the crime. He, therefore, seeks anticipatory bail. It is his further contention that charge-sheet has been filed in this case and as such custodial interrogation of the applicant is not necessary.

5. Learned APP opposed the application by pointing out that there is documentary evidence to indicate the applicant is a director of the said company since it inception and that she holds 200 shares along with other directors. It is also pointed out that she has received dividend against the said shares which is deposited in her account. According to her, money earned in crime is yet to be recovered and as such her custodial interrogation is necessary.

6. This is the case wherein there is a misappropriation of 15

lakhs odd amount belonging to the number of investors. Admittedly, the amount has not been recovered till date. Though, charge-sheet has been filed, the same is against arrested accused. There is no investigation in respect of role of applicant in the crime for want of her custody. The custodial interrogation of the applicant would be necessary in order to ascertain as to how she is beneficiary of the crime in question. This is economic offence and the investors are duped by misrepresentation. Merely because, applicant is a lady, her liberty cannot be protected once her involvement in the crime is found. Hence, application stands dismissed.

(R. M. JOSHI, J.)

ssp