



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 ANTICIPATORY BAIL APPLICATION NO. 671 OF 2024

Yogita @ Namrata W/o Shubham Gavande

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. N J Sonune

APP for Respondents : Mr. V. S. Badakh

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 06, 2024

PER COURT :-

1. The applicant seeks pre-arrest bail in connection with Crime No.412 of 2023 registered with M.I.D.C. Cidco police station, Aurangabad, District Aurangabad for the offences punishable under sections 406, 420, 34 of the Indian Penal Code and under section 3 of the Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The applicant is an accused in the aforesaid crime, which has been registered on information given by Shubhangi Shivraj Dhotre, wherein it is alleged that accused no.4 Sangita Kakasaheb Gavande in collusion with other accused persons lured the informant and others to make investment for exponential returns. Accordingly, informant and other victims paid huge amounts to the accused persons who duped them for total amount of Rs.58,28,858/-. In pursuance of order of

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Special Court under MPID Act, police have registered crime against accused persons and charge-sheet has been filed. The applicant is shown absconding, whereas other accused persons are enlarged on regular bail.

3. Mr. N.J. Sonune, learned advocate appearing for the applicant submits entire case of the prosecution is based on allegation of complainant and other witnesses regarding huge deposit of the amount with accused. However, allegation is not supported by the documentary evidence. FIR or the material in charge-sheet is not sufficient to demonstrate nature of the scheme floated by the accused persons, against which depositors were lured to enter into the huge transactions. Although, co-accused persons were arrested, no incriminating material could be recovered during course of the investigation. Meager cash amount is shown to be recovered from accused Rajuddin. The applicant has been roped in only because she is related to other accused persons. Learned advocate appearing for the applicant submits that applicant is falsely implicated. Investigation in the matter is complete. Custodial interrogation of the applicant is not necessary. Applicant is having sucking child. Consequently, he urges to release the applicant on pre-arrest bail.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. He submits that applicant is absconding. Charge-sheet is filed against her under section 299 of Criminal Procedure Code. Allegations in the FIR are common against all accused persons including the applicant. He invites attention

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of this Court to the statement of witnesses namely Mandakini Maind, Nilesh Narvade, Sunita Gajanan Deshmukh, Akash Ghorpade, Shrikanta Niranjana Kavade to contend that applicant was present in the office alongwith other accused persons and all of them gave information of scheme to the victims and lured them to make huge investment with false assurance of exponential returns.

5. Having considered the submissions advanced, it is apparent that offence has been registered in pursuance of the directions issued by the Special Court under section 156 of the Criminal Procedure Code. Contents of the First Information Report state that informant had acquaintance with Sangita Kakasaheb Gavande. She introduced the informant with other accused persons at the office of accused Rajoddin Maniyar. However, there are no specific allegations as against the applicant. Similar is version of other witnesses. Pertinently, although allegations is made that huge sum is parted by the informant and other victims of the offence, no documentary evidence of such transfers is made part of the charge-sheet. Except oral version of witnesses, there is nothing to depict transaction of sizable amount. During course of the investigation, bank statements of accused persons were searched, however, there is no trace of any transaction as alleged. Other three accused persons were arrested and they were in the custody of the police, however, except car and cash amount of Rs.40,000/- nothing could be seized.

6. The charge-sheet shows that investigation is complete. No specific reasons requiring police custody of the applicant is brought to the notice of this Court. It is alleged that applicant is absconding, however, it appears that twice she made application for pre-arrest bail before the Sessions Court. She has a sucking child. There are no criminal antecedents to discredit her. The material in charge-sheet is bereft to make out offences as alleged against the applicant. Possibility that applicant being relative of the main accused, falsely implicated cannot be ruled out. Hence, the case is made out for grant of pre-arrest bail. Hence, the following order.

ORDER

- i. Anticipatory Bail Application is hereby allowed.
- ii. In the event of arrest of the applicant - Yogita @ Namrata W/o Shubham Gavande, in connection with Crime No.412 of 2023 registered with M.I.D.C. Cidco police station, Aurangabad, District Aurangabad for the offences punishable under sections 406, 420, 34 of the Indian Penal Code and under section 3 of the Protection of Interest of Depositors (In Financial Establishments) Act, 1999, she be released on bail on her furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.

- b] The applicant shall visit the concerned police station once in a week i.e. on every Monday between 10 am to 2 pm for a period of one month from the date of this order and cooperate with the investigation.
- iii. Anticipatory Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

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