**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 781 OF 2024

Imran Issak Shaikh,
Age 35 years, Occu. Service,
R/o. Golibar Tekdi Javal,
28-A, Chaitanya Nagar, Dhule,
Tq. and Dist. Dhule
At present R/o. Room No.1, Building No.18,
Police Head Quarter, Dhule,
Tq. and Dist. Dhule .. Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Azadnagar Police Station,
Tq. and Dist. Dhule .. Respondent

Mr. Yogesh B. Bolkar, Advocate for Applicant;
Mr. S. D. Ghayal, APP for Respondent

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**WITH
BAIL APPLICATION NO. 798 OF 2024**

Swati w/o. Roshan Patil,
Age 46 years, Occu. Service,
R/o. Flat No.6, Menlo Park,
Pipeline Road, Nashik,
Tq. Nashik, Dist. Nashik .. Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Azadnagar Police Station,
Tq. and Dist. Dhule .. Respondent

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Mr. V. D. Sapkal, Senior Advocate instructed by Mr. S. R. Sapkal,
Advocate for Applicant;
Mr. S. D. Ghayal, APP for Respondent

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CORAM : S. G. MEHARE, J.
DATE : 03-07-2024

PER COURT :-

1. Heard the learned senior counsel for the applicant and the learned A.P.P. for the respondent.

2. The applicants seek bail in C.R.No.02 of 2024 registered with Azadnagar Police Station, Taluka and District Dhule, for the offences punishable under Sections 490, 420, 341, 170, 171, 201, 120B read with Section 34 of the Indian Penal Code.

3. The applicant, Swati was serving with H.D.F.C. Bank. The prosecution case is that the applicants in collusion and conspiracy were extracting money from the owners of goods, impersonating themselves as G.S.T. Department Officers. They threatened the drivers of the vehicles, saying that they would have to be charged for not paying G.S.T. The other co-accused were asking them to pay money to settle the matter. To transfer the extracted money, the applicant helped them open the bank accounts where she was serving in the name of her domestic servants and sister. The main accused who were extracting the money from the drivers were the policemen. It was their *modus operandi* to extract money on settlement. They used to collect the money in the bank account by electronic mode. The applicant is the sister of one of the co-accused, serving in the police department. When the crime was

detected, it was transpired that the persons in whose names the bank accounts did not know who was operating their accounts.

4. Learned senior counsel for the applicant has vehemently argued that the role attributed to the applicant, Swati, does not link her with the crime. She was serving in the bank. She used to open account for the citizens. Many accounts were opened for Government benefits in the name of women. She was not the beneficiary of so-called extracted money by committing the crime. She is married, having no antecedents to her discredit. She has a small child. She faced the investigation. She has been languishing in jail since January 2024. The crime was unearthed. When the crime was unearthed, she served with Bharti Axa Life Insurance Company Ltd. Since she was absent from her work, she was removed from her services. Her child is suffering from "Upper Respiratory Tract Infection & Fever". He needs his mother's care. She has roots in Nashik. So, there is no chance of her absconding. She, being a lady, has been falsely implicated in the crime. The alleged offences are triable by the Magistrate. The trial may take its time.

5. Learned senior counsel for the applicant relied on the judgment and order of the Honourable Supreme Court passed in the case of ***Krishna Damani Versus State of West Bengal***, ***Criminal Appeal No.2743 of 2024 [Arising out of S.L.P.***

(Criminal) No.6954 of 2024] and vehemently argued that further custody of the applicant is not essential. There is no possibility of influencing the witnesses or interfering with the further investigation, if any. On the above premises, he prayed to grant her bail.

6. It has been alleged against the applicant. Imran that he was the driver of the vehicle of the police department. He was introducing the other co-accused as G.S.t. Officers. He was playing active role in committing a crime.

7. His counsel argued that he had no role to play. Being the subordinate, he had to follow the instructions of the co-accused, his seniors. He was just driving the vehicle for patrolling. Hence, he may be granted bail.

8. Learned A.P.P. has strongly opposed the application. He submits that she knew well that her brother operated the accounts of the women for extracting money from the owners of the goods transport vehicles under the pretext of not paying G.S.T. She was well aware that she had no reason to allow a third person to operate the bank account. After the money was transferred to the bank account, another co-accused used to collect the money from the bank, and it was distributed. She was the beneficiary of extracted money. Though the chargesheet has been filed, the investigation is in progress to find out whether any similar offences

were committed. The other offences were already registered on similar allegations. She has no reason to allow a third person to operate the account of the domestic servant and her own sister. It is a big scam and a misuse of the authority of the policemen in conspiracy. The applicant knew well that the bank accounts of the domestic servants were used for the illegal extraction of money. Being a citizen, she was duty-bound to maintain her honesty with the public as well as her employer. Merely the offence is triable by the Magistrate is no ground to grant bail. The findings of the case of Krushnaji were based on a specific fact. It is not ruled that bail should be granted only for the reason that it is triable by the Magistrate. The offence is grave. Her family would take care of her child.

9. The case of prosecution as well as defence of the applicant, as discussed above, need not be reproduced. However, *prima facie* it is evident that the applicant opened the bank accounts in the name of domestic servants and her sister and allowed the main accused to operate without their knowledge. All bank account passbooks were with her. She knew that the main accused was operating their accounts. She had opened the bank account of the servant. The prosecution has evidence that so-called extracting money by the co-accused by misusing their power as policemen and transferring the extracted money to the bank accounts that the applicant had opened. There is also evidence of

withdrawal of amounts. This seems to be a well-planned crime in which the applicant has played an active role. The gravity of the offence is one of the factors to be considered while granting bail. Sufficient evidence is available on record to believe that it was a dishonest intention to cheat the people. It is a black dot on the police machinery whose duty is to protect the common man. The bank officer is also supposed to manage the account of the common man. Be that as it may, the Court is not inclined to grant bail after having gone through the papers and the role attributed to the applicant and evidence collected against her. In view of these peculiar facts, the case of ***Krishna Damani*** *(supra)* would not assist the applicant.

10. Learned APP opposed the application of Imran, contending that the applicant's past is not good. He was actively participating in the crime. He was held guilty and punished for similar conduct in a departmental inquiry. He had knowledge of the offence committed. He was assisting the co-accused by introducing him as GST Officer. He was in contact with the person. He was also in contact with other similar co-accused.

11. For the above reasons, the applications stand dismissed.

(S. G. MEHARE)
JUDGE

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