



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 BAIL APPLICATION NO. 1249 OF 2024

SHILA D/O SHIVA KOLI @ SHILA W/O SANDIP BAGUL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Yenegure Apparao Prakash.
APP for Respondent/s-State : Ms. S. S. Joshi.
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CORAM : S. G. MEHARE, J.
DATE : 02.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/s-State.
2. The applicant seeks bail in Crime No.576 of 2023, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 408, 409, 468, 411 read with Section 34 of the IPC.
3. The applicant has a case that she runs a garment business. She was in need of money to enlarge her business. Hence, accused No.1 sent Rs.17,00,000/- to her bank account. She invested that amount in the shares. She did not know that it was misappropriated money. After the crime was registered, for the first time, she learnt that applicant No.1 was involved in misappropriating the money and sent it to her account.

She was bonafide borrower of that amount from accused No.1. However, the false allegations have been levelled against her that she was knew that the money was misappropriated. The material investigation has been completed. Nothing is to be recovered from her. Hence, she may be granted bail.

4. Learned APP has strongly opposed the application and argued that previously also the applicant has raised the money from depositors under the promise to pay heavy return. She would argue that the applicant was knowing that applicant No.1 was no financially strong to pay such a huge amount. He was just in the security of one agency which was filling the currency notes in the ATM. The accused were extracting the currency notes while filling it in ATM. Her conduct is sufficient to draw inference that she knew that accused No.1 was not able to pay such a huge amount. However, she conveniently supported the accused to misappropriate the amount. The offence is serious. Hence, she may not be granted bail.

5. Considering the submissions of the learned counsel for the applicant, possibility of raising loan from accused No.1 cannot be ruled out. Prosecution has no case that after the money was deposited to her account, she withdrew that amount from bank and paid it to accused No.1. She is a

business woman. She has roots at Palghar. She may have a good asset. The material investigation has been completed against her. There are no antecedents to her discredit. The circumstances favours her for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHILA D/O SHIVA KOLI @ SHILA W/O SANDIP BAGUL** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) She should not tamper with the prosecution witnesses.
 - (b) She should furnish her residential proof and cell phone number with an undertaking that she would not change her address and cell phone number till the trial is concluded.
 - (c) She should attend the trial on each and every date.

(S. G. MEHARE, J.)

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vmk/-