



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

ANTICIPATORY BAIL APPLICATION NO. 1649 OF 2023

MEENA OMKAR KURULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Ashwini A. Lomte, Advocate for Applicant
Mr. S.V. Hange, APP for Respondents/State
Mr. Rajdeep S. Banik, Advocate for Assist to APP
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.288/2023, registered with Ambajogai City Police Station, Dist. Beed, for offence punishable under Sections 420, 406, 409 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Kanchan w/o Rahul Waghmare against accused 1. Rameshwar Omkar Kurule, 2. Meena Omkar Kurule, 3. Omkar Kurule and 4. Shivprasad Kurule, in short alleging that she runs ladies emporium shop and knows Rameshwar Omkar Kurule, resident of Lokhandi Sawargaon, since last two years. He used to come to her shop for purchases. 15 days prior to 30/11/2021, Rameshwar told her that he is running Riddhi Siddhi Financial Services and under that firm he and his colleagues Prabhakar Hajare and Namrata Kharat do Forex trading, poultry farm, goat farm, fish business, tea business, Mauli Wadapav, so also, land dealing. He

also told her about a scheme that if informant invests amount of Rs.10,000/- in the same, he will give her double amount within ten months. If informant invests Rs.1,00,000/-, then he will give Rs.20,000/- per month for ten months, either in her account or in cash. Believing him informant invested Rs.50,000/- for which agreement was executed on stamp paper. For security he gave post dated cheque of HDFC bank of Rs.1,00,000/-. As per assurance, accused Rameshwar paid Rs.9,500/- per month for 10 months and gained trust of informant. Thereafter informant and her husband invested Rs.3,00,000/- with Rameshwar and accordingly agreement on stamp paper was executed and he gave post dated cheque to informant. But informant did not receive any amount from accused in spite of repeated persuasion. Informant alleged that she has invested total amount of Rs.5,00,000/- with accused Rameshwar and for investment of Rs.3,00,000/- agreements were executed whereas for Rs.2,00,000/- no agreement was executed. Later she came to know that many people have invested amount of about Rs.53,90,000/- with accused and they are also duped. Thus, it is alleged that all accused persons in collusion have cheated her and others.

3. Heard learned APP for respondents/State, learned advocate for applicants and learned advocate assisting learned APP. Perused the investigation papers.

4. Applicant No.1 Meena Omkar Kurule is mother of applicant No.2 Shivprasad Omkar Kurule and applicant No.3 Namrata Gajendra Kharat is daughter of applicant No.1 Meena and sister of accused Rameshwar Omkar Kurule.

After arguing at length on merits, when this Court was not inclined to grant relief to applicant Nos.2 and 3, learned advocate for applicants, on instructions, seeks permission to withdraw the application to the extent of applicant Nos.2 and 3. Permission granted application of applicant No.2 Shivprasad Omkar Kurule and applicant No.3 Namrata Gajendra Kharat, is dismissed as withdrawn. Interim protection granted to applicant Nos.2 and 3 stands vacated.

5. Applicant No.1 Meena claims to be illiterate lady who does not know reading and writing, and she can only sign in vernacular. It is transpired during investigation that Rameshwar is kingpin and 15 investors are cheated for Rs.86,29,000/-. All the bank accounts of accused persons are seized. It appears that residential premises of accused was raided and relevant documents are seized. It is also revealed that there are numerous transactions in the bank account of applicant No.1 Meena. Cheques issued to informant and other depositors under her signature are seized during investigation. Informant and other investors have stated that applicant No.1 used to attend office of Rameshwar and used to induce investors to invest their amounts.

6. Considering the role attributed to applicant No.1, her gender and the fact that she is illiterate lady and since she has co-operated in investigation, her pre-trial custodial detentions is not necessary in the facts of present case as nothing is to be recovered from her.

7. Application of applicant No.1 Meena Omkar Kurule is, therefore, allowed by confirming interim protection granted to her by order dated 26/10/2023.

8. Till filing of charge-sheet, applicant No.1 shall attend concerned police station on everyday Sunday, between 10:00 a.m. to 12:00 p.m. and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)