



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

ANTICIPATORY BAIL APPLICATION NO. 1861 OF 2023

ASHA RAVI PAUN
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Shambhu Jha, Advocate for Applicant
Mr. A.R. Kale, APP for Respondent/State
Mr. Mahendra G. Kochar, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 26th MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.160/2023, registered with Upnagar Police Station, Dist. Nandurbar, for offence punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.
2. FIR is registered by Shirish Narayan Agrawal alleging that he has supplied wheat and grams on credit to J. J. Products Pvt. Ltd. and Ravi Kishorbhai Paun, Asha Ravi Paun (applicant) and Sachin Kishorbhai Paun are directors of the said company. Wheat and grams worth Rs.68,03,825/- was supplied by him and previous outstandings were Rs.20,98,410/-. Though he repeatedly demanded said amount from Ravi Kishorbhai Paun, he assured to pay the same but has not paid it. Hence, all the accused persons had committed cheating and criminal breach of trust.
3. Heard learned advocate for applicant, learned APP for

respondent/State and learned advocate for informant. Perused the investigation papers.

4. Applicant was granted interim protection and she has attended police station four times. There are two offences registered against applicant and co-accused at Shujalpur Mandi Police Station, Madhya Pradesh, at C.R. Nos.532/2023 and 282/2023, for offences punishable under Sections 420 and 406 of I.P.C.. She is arrested in one of the above crimes and is presently in magisterial custody. It is informed by learned advocate for informant that regular bail application filed by applicant was rejected and Madhya Pradesh High Court has granted permission to applicant to withdraw Misc. Criminal Case No.335/2024, filed for regular bail.

5. In present crime, *prima facie* it appears that allegations are of civil nature. Accused Ravi Paun and Sachin Paun both were arrested in present crime and are released on regular bail. Learned APP has made grievance that applicant has not attended police station and has not co-operated in the investigation. Since applicant is arrested in the crime registered at Shujalpur Mandi Police Station, Madhya Pradesh, she could not attend police station on further dates. Admittedly, applicant has attended police station on four dates, prior to her arrest.

6. Considering gender of applicant, so also, the fact that

both co-accused are arrested and are released on bail, pre-trial custodial detention of applicant is not necessary, as nothing is to be recovered from her.

7. In the result, application is allowed by confirming interim protection granted to applicant by order dated 08/11/2023.

8. After applicant is released in crime registered at Shujalpur Mandi Police Station, Madhya Pradesh, she shall attend concerned police station for eight days regularly, between 10:00 a.m. to 12:00 noon and shall furnish her residential address and cell-phone number to investigating officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)