



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 961 OF 2024
WITH CRIMINAL APPLICATION NO.2815 OF 2024

Kashish Amit Khattar

...Applicant

Versus

The State of Maharashtra & Anr

...Respondents

...

Mr. U. B. Bondar, Advocate for the Applicant

Mr. S. B. Pulkundwar, APP, for the Respondent – State

Mr. R. B. Ade, Advocate for the Informant

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CORAM : R.M. JOSHI, J

DATE : JULY 18, 2024

PER COURT :

1. This is second bail application for pre-arrest bail. Applicant apprehends arrest in connection with Crime No. 546/2023 registered with Sadar Bazar Police Station, Dist. Jalna for the offences punishable under Sections 120-B, 406, 420, 465, 467, 468, 471, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3, 4 and 5 of the MPID Act.

2. It is the case of the informant that he was introduced to Jagdish Khattar who has told him about his son Amit and daughter-in-law Kashish (Applicant) having permits of various liquor shops. He was also

induced by saying that the liquor licence/permit could be transferred in his name and that he would earn at least Rs. 10 to 15 lacs profit per shop. Thereafter, informant called to the office of Amit. At that time, he met Amit and Kashish who had convinced him that they are having permits of different wine shops and the agreements to that effect were also shown to the informant. Jadgish Khattar claimed commission for the said transaction. It was agreed between the informant and accused persons that wine shop at Bhore, Pune would be purchased at Rs. 2,50,00,000/-. At that time, Rs. 5 lacs were paid in cash by way of security. Thereafter, amounts were transferred in the name of co-accused Amit to the extent of Rs. 83 lacs and 45 lacs was paid in cash. Informant has also given details about specific incident occurred on 13.08.2022 and 14.08.2022. According to informant, Amit and his wife Kashish took him to the wine shop at Bhore. It is thus contention of the informant that from time to time a sum of Rs. 6,25,00,000/- was paid to accused persons apart from the commission of Rs. 5 lacs. After receipt of the money, when the informant sought transfer of the said permit/license of wine shop, but he realised being

cheated by the accused persons. Present Applicant and co-accused had issued cheques and when the said cheques were presented for realization, were dishonored. On these allegations, offence came to be registered against present Applicant and co-accused.

3. It is the contention of the Applicant that her husband Amit has vices and therefore, he was disowned by his father Jagdish Khattar in the year 2015. She also claims to have been driven away from the house by her husband after he had established illicit relationship with a woman. It is her contention that she being a lady and having responsibility of two children, deserves anticipatory bail.

4. Learned Counsel for the Applicant submits that allegations against Applicant who is a lady, are about a year back and that custodial interrogation of the Applicant is not necessary. It is submitted that initially in the complaint no allegation was made against present Applicant. However, after about a month in a supplementary statement allegations are sought leveled against her. It is submitted that there are various offences registered against her husband and

merely because she is a wife of Amit, she cannot be subjected to criminal proceedings. He further submits that Jagdish Khattar and his wife are granted anticipatory bail by the Hon'ble the Supreme Court and on parity, liberty of the present Applicant deserves to be protected.

5. Learned APP and Counsel for Informant opposed the application. According to them, unlike in case of co-accused Jagdish and his wife, *prima facie* there is material on record to indicate involvement of the Applicant in the crime. It is submitted that Applicant is a signatory to the agreement entered into between co-accused Amit and informant. She has also issued cheques to the informant which is more than sufficiently demonstrate her complicity in the crime.

6. Merely because Applicant is a lady, if her involvement in the crime is found, she would not be entitled for pre-arrest bail. There is specific allegation against the Applicant that she along with her husband has cheated the informant to the extent of Rs. 6,25,00,000/-. There is agreement dated 13.10.2022 indicating that the Applicant is signatory thereto. As

far as the contention of the Applicant about she being driven away out of the house, affidavit filed by her does not disclose any particulars as to when she was forced to leave house by her husband. As against this, there is documentary evidence on record to indicate that Applicant along with her husband was actively participating in the transaction with informant. Issuance of cheques by her to the informant also supports the case of the prosecution indicating her complicity in the crime.

7. As far as the parity sought by Applicant on the basis of the order passed by the Hon'ble Supreme Court granting bail to the co-accused Jagdish Khattar and his wife is concerned, perusal of the charge-sheet does not show that they are signatory to any document or have actually participated in the transaction. The allegation against the accused Jagdish is that he has asked for commission. There is *prima facie* evidence on record in the form of paper publication in the year 2015 which indicates that he had disowned his son Amit long back. As far as present Applicant is concerned, there is nothing to indicate that she had severed

relationship with her husband Amit. On the contrary, material placed on record *prima facie* demonstrates that she along with her husband is a party to the transaction in question. Signature on the agreement dated 13.10.2022 and issuance of cheque to the informant makes her case altogether different than the one sought to be made out against Jagdish and his wife. In considered view of this Court, Applicant is not entitled to claim parity owing to the material difference between *prima facie* material indicating involvement of both.

8. Having regard to the aforestated discussion, Applicant has failed to make out a case for grant of anticipatory bail. Hence, application stands rejected. Pending application is also disposed of.

(R. M. JOSHI, J.)

Malani