IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2322 OF 2024

Sushma Bhanudas Jadhav ...Applicant
Versus
The State of Maharashtra ...Respondent

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- Mr. Vasim F. Momin, for the Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Akshay Vishnu Shinde, P.C., Satara City Police Station.

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CORAM : MANISH PITALE, J.
DATE : 04th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Momin, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent – State.

2. The applicant has approached this Court as she apprehends arrest in connection with First Information Report No.0594 of 2024, dated 02.07.2024, registered at Police Station Satara City, District Satara, for offences under Sections 406, 420 and 468 read with Section 34 of the Indian Penal Code (IPC).

3. The co-accused person is said to be the husband of the applicant and he is absconding. The statement of the informant, leading to registration of the FIR shows that the accused persons induced the informant by means of a pamphlet proposing attractive returns on investments. The details of such proposed attractive returns are given in the statement itself, which led to

registration of the FIR. Thereupon, the informant has made detailed allegations against both the accused persons, claiming that the informant and other such individuals were duped of an amount of ₹ 9,48,000/-.

4. The learned counsel for the applicant submits that the allegations are primarily against the co-accused person. It is claimed that there is matrimonial discord between the two and the applicant has nothing to do with the allegations that are leveled in the present case. It is also brought to the notice of this Court that an FIR was registered prior in point in time i.e. on 18.05.2024 against the informant herein and other individuals at the behest of the applicant for an incident wherein the accused persons had assaulted the applicant and the co-accused person, leading to bodily injuries. It is submitted that the present FIR can be said to be a counterblast and an afterthought. It is submitted that since the applicant is ready to cooperate with the investigation, this Court may grant her anticipatory bail.

5. On the other hand, learned APP has vehemently opposed the present application. He submits that the allegations are equally made against the applicant also about the offences registered in the present case, including the offence of cheating. Attention of this Court is invited to the statements recorded during the course of investigation, which reveal that identically situated innocent persons were duped by the accused and when such persons

pursued the applicant for return of their monies, she threatened that she would involve them in false criminal cases. On this basis, it is submitted that the application may be dismissed.

6. A perusal of the statement of the informant, leading to registration of the FIR, shows that it is an elaborate statement giving in chronological order the events that led to registration of the FIR. Specific reference is made to the pamphlet on the basis of which the applicant and the co-accused person gave promise of attractive returns on investments. There are specific allegations involving the applicant also, as to the manner in which inducements were made and amounts were taken from the informant and other persons. The details regarding specific amounts given by the informant and other individuals are also stated, indicating that the total amount came to ₹9,48,000/-.

7. Therefore, there is no substance in the contention raised on behalf of the applicant that there are no allegations against her with regard to the alleged offence.

8. It was sought to be claimed that the ingredients of offence under Section 420 of the IPC are not made out, but this Court is of the opinion that the statement of the informant itself, makes out the basic ingredient of dishonest intention from the inception on the part of the accused persons,

including the applicant when they induced the informant and other innocent persons into parting with substantial sums of money.

9. The statements recorded during the course of investigation indicate that the total amount of the scam is much higher. The aforesaid statements also indicate the active role of the applicant in inducing such innocent investors and the threats given out by her of involving such witnesses in false criminal cases it they continued to pursue her for return of their investments.

10. Since the material on record does make out a *prima facie* case against the applicant, mere registration of the aforementioned FIR at her behest at earlier point in time cannot be the basis for claiming anticipatory bail. In any case, the contents of the statement of the applicant which led to registration of the said FIR also show that even according to her, the accused therein allegedly physically assaulted the informant and her husband as they were upset with the fact that huge amount was invested with them, with no signs of the amounts being returned. Hence, mere registration of the said prior FIR cannot inure to the benefit of the applicant.

11. No case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)