

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 202 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Manju Shivshyam Patwa ...Applicant
Versus
The State of Maharashtra and anr. ...Respondents

Mr. Paresh Thakur, for the Applicant.
Mr. S. R. Aagarkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 16th JANUARY, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the applicant seeks leave to amend the application so as to correct the name of the bank.

Leave to amend.

Necessary amendment be carried out forthwith.

3. The applicant has been arraigned in CR No.1159 of 2021 registered with Andheri Police Station, Mumbai, for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
4. During the period 12th November, 2020 to 23rd November, 2020 the applicant had availed gold loan from

Jana Small Finance Bank Ltd. by pledging the ornaments which turned out to be fake. The applicant and co-accused Pandurang Govind Warankar and Kishor Damodar Umrotkar, the empaneled valuers of the Bank had induced the Bank to part with an amount of Rs.8,35,794/- by way of gold loan. Co-accused Pandurang Warankar and Kishor Umrotkar had furnished false certificates about the genuineness, purity and quantity of the ornaments.

5. The learned Counsel for the applicant submitted that the FIR was lodged in the year 2021. The applicant came to be arrested on 3rd December, 2023. The Bank has already freezed an account of the applicant in which a sum of Rs.4,00,000/- stands to her credit. The learned Counsel for the applicant submitted that without prejudice to the rights and contentions of the applicant, the applicant is willing to deposit a sum of Rs.4,35,794/- with the Bank to show her *bona fide*.

6. The learned APP resisted the prayer for bail.

7. Having regard to the nature of the accusation, the investigation qua the applicant seems to be complete. The applicant is a woman. The applicant has shown willingness to deposit the balance amount of Rs.4,35,794/-. In the

circumstances, the further detention of the applicant does not seem to be warranted.

8. Hence, the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) As undertaken, the applicant shall deposit a sum of Rs.4,35,794/- with Jana Small Finance Bank Ltd., Andheri (E), within a period of one week.
- (iii) Subject to the aforesaid deposit, the applicant Manju Shivshyam Patwa be released on bail in CR No.1159 of 2021 registered with Andheri Police Station, Mumbai, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- (iii) The applicant shall mark her presence at the concerned police station on the first Monday of every alternate month in between 10.00 am. to 12.00 noon for the period of two years or till conclusion of the trial, whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing the facts to Court or any police officer.

- (v) On being released on bail, the applicant shall furnish her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

[N. J. JAMADAR, J.]