ANANT KRISHNA NAIK
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO. 261 OF 2024

1. Kalpana Timan Pande
2. Mr. Timan Lal Pande ...Applicants

Versus

State Of Maharashtra ...Respondent

Mr. Akhilesh M. Chaube a/w. Adv. Prathamesh Hiwalkar i/b. AVC And Associates for the Applicants.
Ms Mahalaxmi Ganapathy, APP for the Repsondent-State.
Mr. Abhishek Kulkarni a/w. Adv. Sagar Wakale for the intervener

CORAM : SARANG V. KOTWAL, J

DATED : 31st JANUARY, 2024

P.C.:

1. The Applicants are seeking anticipatory bail in connection with C.R. No. 20 of 2024 registered at Dindoshi Police Station, dated 09/01/2024 under sections 406, 420, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Chaubey, learned Counsel for the Applicant, Mr. Kulkarni, learned Counsel for the intervener and Ms Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by Meena Rathod. She has stated that both the Applicants were having business of beauty parlor. The Applicants represented to the informant that if the informant invested some amount in the Applicants’ business, she would get good returns. The

informant was knowing the Applicants since past 10 years. The Applicants told the informant that she would get 50% profit. Based on the representation, the informant invested Rs.8.00 lakhs in their parlor. They had prepared a partnership agreement. The FIR specifically mentions that the informant had signed the said partnership agreement. The FIR goes on to mention that an arrangement between the partners was that the money paid by the customers was to be directly deposited in the personal bank account of the informant. After that on the say of the Applicants, the informant was to transfer the amount in the bank account of the Applicants. This arrangement worked for few months. Then, the informant asked for her share but it was not given to her by the Applicants, instead allegedly both the Applicants threatened her.

4. Learned Counsel for the Applicants submitted that they have not committed any offence. They are willing to settle the account but the informant is not coming forward to putforth the exact claim. Therefore, the Applicants are unable to settle the account. He further submitted that the entire amount used to go the account of the informant herself.

5. Learned Counsel for the informant submitted that she has not received any return of her investments and therefore, she is the

victim.

6. Learned APP on instructions stated that the informant herself is not co-operating with the investigation. She is not producing any documents of account to support her claim.

7. I have considered these submissions.

8. From the FIR itself it appears that it is a dispute between the partners. The FIR mentions that even the amounts received from the customers were directly deposited in the bank account of the informant. It was for the informant to keep her share in her account and then transfer the share of the Applicants in their account. If the informant had willingly transferred everything, which was earned from the business to the account of the Applicants, the Applicants cannot be held responsible.

9. Taking overall view of the matter, I am of the opinion that the custodial interrogation of the Applicants is not necessary in this case. The Applicants can be protected by an order under section 438 of Cr.P.C.

10. Hence, the following order:

ORDER

(i) In the event of their arrest in connection with C. R. No. 20 of 2024 registered at Dindoshi Police Station, the

Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.

(ii) The Applicants shall submit their residential address proof to the Investigating Officer.

(iii) The Applicants shall cooperate with the investigation.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)