

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.889 OF 2023

Prajakta Rajendra Temgire Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Amey Deshpande i/b. Ajit Mandlik, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.284/2022, dated 02/07/2022, registered with Manchar Police Station, Pune Rural, under sections 409, 420 r/w 34 of the Indian Penal Code. Subsequently, provisions of MPID are also invoked.

2. Heard Mr. Amey Deshpande, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

Nesarikar

3. The FIR is lodged by one Pooja Thombare. She has stated that one Roshan Shinde was her neighbour. In 2019 he told the informant and her family that he was dealing in share market and if they invest in his business he would give double the amount. Initially the informant invested Rs.50,000/- and she got Rs.65,000/- in return. Therefore, her family started trusting him more. On 20/08/2020, the informant and her husband went to Roshan's office. The office was run by the name 'R. R. World Finance'. In that office, Roshan was working as a Manager and the present Applicant was working as an accountant. The informant came to know that one Ravi Gavali was the owner of that company. The informant deposited Rs.24,25,000/- with that company. But they were not issued any receipt. Ultimately the money was lost and nothing was returned. The informant came to know that there were other victims like her. The FIR mentions four such victims who had invested various amounts. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant was only working as an accountant. She was acting as per the directions of the owner Ravi Gavali. The amount which was received, was deposited in the account of Gavali. The Applicant is not a beneficiary. The Applicant was in fact cheated by the aforementioned Roshan Shinde. Though he was already married, he suppressed that fact from her and married the Applicant. As of today, both of them are living separately. He submitted that the Applicant is herself a victim at the hands of the other accused.
5. Learned APP produced investigation papers before me. There are statements of other investors mainly Chetna Madan and Umakant Malge. Both of them have stated that the Applicant represented to them that if they invested in their business, they would get double returns.
6. Learned APP on instructions however conceded that the investigation has not revealed that the Applicant is a

beneficiary in the entire transaction. She submitted that there are in all 10 investors and the fraud amount is to the tune of Rs.1,08,00,000/-. However, there is nothing to show that any of this amount has gone to the personal account of the Applicant or that she was the beneficiary.

7. Considering these submissions, it is apparent that the Applicant was acting at the behest of the main accused Ravi Gavali. She was not a beneficiary. She was working in that office as an accountant and as a part of that job, she was encouraging the investors to invest in that company. Therefore, the informant invested the amounts, but those were transferred in the account of the main accused. The Applicant is a lady. The main role is attributed to Ravi Gavali and the other accused Roshan Shinde, who was working as a Manager. Therefore, considering lesser part played by her, her custodial interrogation is not necessary. It would be sufficient if she co-operates with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.284/2022, dated 02/07/2022, registered with Manchar Police Station, Pune Rural, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)