

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

ANTICIPATORY BAIL APPLICATION NO. 806 OF 2024

Shweta Narayan Undre

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Paavani Chadha for Applicant.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 27 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.46 of 2024 registered at Kharghar Police Station, Navi Mumbai, on 15.02.2024, under sections 406, 420, 504 and 506 r/w. 34 of the Indian Penal Code.

2. Heard Ms. Paavani Chadha, learned counsel for the applicant and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Deepak Patil. He has stated that, he wanted heavy loan for his business. But since that period was of March ending he was not getting any loan from any bank.

One Shivdas Shedge told him that, one Naresh Ahire was doing the work of getting the loan of big amount. The informant tried to contact Naresh Ahire. He could not be contacted. The said Shedge gave mobile phone number of the present applicant. The informant contacted her. She asked the informant to come to their office at Kharghar. She enquired about his property. The informant told her that, he had two acres land at Palghar, Kelwa. The applicant told him that, after completing the valuation of the property, he could get 50% loan of the valuation.

4. On 31.01.2023, the informant met Naresh in his office. The said Naresh quoted Rs.1 lakh for valuation and processing. Naresh told the informant to make payment in the applicant's account. The informant, accordingly, paid Rs.1 lakh in the applicant's bank account. Thereafter, the applicant and two other persons visited the informant's land and saw the land. She told him that, after preparing the valuation report, it can be decided as to how much amount can be sanctioned by way of loan.

5. On 13.02.2023, Naresh called the informant to his

house. He told him that the valuation of his land was Rs.5 crores and he could get loan to the tune of Rs.2.5 crores. For that, he demanded the processing fee. It is the case of the informant that, the first informant paid Rs.14 lakhs by way of processing fee, but subsequently, the loan was not sanctioned and no amount was given to the informant. The amount of Rs.14 lakhs, and Rs.1 lakh spent as valuation fee were misappropriated. On this basis the F.I.R. was lodged.

6. Learned counsel for the applicant submitted that the applicant was merely an employee working with Naresh. She has no role to play. Major amount is taken by her employer Naresh and only on his instructions the amount of Rs.1 lakh was paid in her account. But she is not benefited from this misappropriation committed by Naresh.

7. Learned APP opposed these submissions. She produced the investigation papers before the Court. She submitted that, this was a modus operandi by which other victims are also duped. She relied on the statements of Arvind Mahapadi and Sudhir Kadav.

8. I have considered these submissions. Arvind and Sudhir, both of them had paid Rs.19,10,000/- and Rs.15 lakhs respectively to Naresh. Arvind Mahapadi named the present applicant as she was present with Naresh Ahire. Sudhir, on the other hand, has not specifically mentioned that the applicant was present in the meeting. Therefore, there is substance in the submission of learned counsel for the applicant that she has not played any important part in this offence. She is a lady. Her custodial interrogation is not necessary. It is sufficient if she attends the police station and co-operates with the investigation.

9. Hence, the following order :

ORDER

- i) In the event of her arrest in connection with C.R.No.46 of 2024 registered at Kharghar Police Station, Navi Mumbai, the applicant is directed to be released on bail on her executing P. R. 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 is disposed of.

(SARANG V. KOTWAL, J.)