IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 831 OF 2024

(1) Sangita Annasaheb Kadam,
(2) Baban Tulsiram Takle,
(3) Swapna Jalindar Sankpal. ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Amit Sale for Applicants.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28 MARCH 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.668 of 2023 registered at Charkop Police Station, Mumbai, on 20.12.2023, under sections 406 and 420 r/w. 34 of the Indian Penal Code. Now the offence U/s.3 of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 is also applied.

2. Heard Mr. Amit Sale, learned counsel for the applicants and Smt. Mhatre, learned APP for the State.

3. In this case, the main accused Vimal is already arrested and she is still in custody. The applicant No.2 is her husband. The applicant No.1 is her daughter and the applicant No.3 resides with the other applicants as their family member.

4. The F.I.R. is lodged by one Meera Padul. She has stated that, she was knowing the main accused Vimal Takle and the present applicants. They were in the business of giving money on interest and conducting *bhishi*. In January 2022, the main accused Vimal wanted Rs.50000/- from her, but the informant did not give that amount. Instead, Vimal took her *Mangalsutra* and pledged it with a jeweller and took Rs.50000/-. She did not give that money to the informant, instead, she induced her in participating in *bhishi* and for that purpose she accepted more amount from the first informant. It is her case that the main accused Vimal and her family including the present applicants obtained Rs.5,98,000/- from her and Rs.1,48,000/- from her mother. The amount was misappropriated. On this basis the F.I.R. was lodged. In the F.I.R. there are allegations that the applicant Sangita and Swapna told her to pay Rs.3 lakhs on the account of one Hiwale. According to

the first informant, she had suffered losses to the tune of Rs.7,46,000/-. The F.I.R. mentions other victims namely Anjali Bage, Savita Hiwale, Prakash Mule, Vimal Salvi etc. As mentioned earlier, the main accused Vimal was arrested and the charge-sheet is filed against her. The charge-sheet contains statements of other victims.

5. Learned counsel for the applicants submitted that, the alleged victims had participated in the *bhishi* willingly. They were not induced into investing their amount. It is only after default was committed by some members, *bhishi* could not run smoothly and then everybody had suffered losses, for which, the main accused Vimal or her family members including the present applicants cannot be held responsible. He further submitted that, in the entire charge-sheet, except comparatively a small amount which had come in the account of the applicant No.1, the other two applicants have not received any amount in their account. There are only general and vague allegations against them that they had accompanied the main accused Vimal when the money was paid by the victims. None of the applicants had played active and vital

role in the transaction. The allegations are false.

6. Learned APP opposed these submissions. She relied on the investigation papers in the form of charge-sheet to oppose these submissions. According to her, the applicants were always with the main accused Vimal when the victims were induced into investing the money. The total amount is more than Rs.60 lakhs and the total number of the victims is 15. Therefore, the offence is serious.

7. I have considered these submissions. The charge-sheet mentions that, there were 15 victims and the total amount taken from them was to the tune of Rs.64,28,991/-. However, the charge-sheet does not mention that any amount had come in the bank account of the applicant No.2 Baban and the applicant No.3 Swapna. As far as, the applicant No.1 is concerned, it is mentioned in the charge-sheet that, she had received Rs.67,212/- from Anjali Bage and Rs.80,000/- from Laxman Patil; out of that Rs.20000/- were returned. Apart from that, there is a statement of one Prakash Mule. He has stated that, he had deposited Rs.1 lakh in

the account of the applicant No.1. However, the charge-sheet does not mention that particular amount in the column where the story is described. Be that as it may, the applicant Nos.2 and 3 have not received any amount; at least, from the record of this charge-sheet. The applicant No.1 has received a smaller amount compared to Rs.60 lakhs involved in this offence. Apart from that, there is hardly any role attributed to each of these applicants. The statements of the victims show that the inducement and representation was made by the main accused Vimal. *Bhishi* was conducted by the main accused Vimal. She was already arrested and still in custody. There are statements of other victims namely Anjali Bage, Vimal Salvi, Prakash Mule, Neelabai Jondhale, Kantabai Abuj, Sheetal Bhalerao etc. All of them have consistently named the main accused Vimal. Some statements mention that the applicant Nos.1 and 2 used to collect the amount from the investors, but everything was done at the behest of the main accused Vimal. In this view of the matter, since Vimal was already arrested and still she is in custody, custodial interrogation of the present applicants will not help the investigating agency any further. They can be protected U/s.438 of the Cr.p.c. They will have to co-operate with the investigation by attending the police station.

8. Hence, the following order :

<u>O R D E R</u>

i) In the event of their arrest in connection with C.R.No.668 of 2023 registered at Charkop Police Station, Mumbai, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

ii) The Applicants shall attend the concerned Police Station from 15/04/2024 to 17/04/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.

iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)