

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

ANTICIPATORY BAIL APPLICATION NO.1278 OF 2024

Nilima Sushil Todankar

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Akshay Deshmukh, for Applicant.

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

CORAM :- SARANG V. KOTWAL, J.

DATE :- 08 MAY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 926 of 2023 registered at Chaturshrungi Police Station, Pune City on 20th December 2023 under Sections 406, 420 read with section 34 of the IPC.

2. Heard Mr. Deshmukh, the learned counsel for the applicant and Ms. Bhosale, the learned APP for the State.

3. The gist of the F.I.R. is that the Applicant is wife of accused-Sushil. The F. I. R. is lodged by Viraj Pawar. He has stated that his relative Pradeep Chavan introduced him to Sushil

Todankar, present applicant and Sidharth Todanakar. Sushil told him that he had offices at Dhayri and Nanded City and he was concerned with Aditya Birla Capital Stocks and Securities. It is alleged that the Applicant told him about the investment plan. In February 2021 the informant decided to invest with the accused. He went to Sushil's office at Dhayri and invested ₹18,00,000/-. Initially the accused gave 10% return per month. Informant started trusting him. He collected money from his relatives and deposited ₹1,62,00,000/- in the account maintained by Sushil with IndusInd Bank. It is the Applicant's case that the informant had given ₹1,80,00,000/- for investing in real estate and Aditya Birla Capital Stocks and Securities. On 3rd December 2021, Sushil executed a promissory note and promised to give ₹2,20,00,000/- between 30th April 2022 to 30th June 2022. He also gave three cheques for the amount of ₹2,20,00,000/- and told the informant not to deposit those cheques. Informant however deposited one of the cheques. The informant then met accused-Sushil who shouted at the informant. At that time, the applicant allegedly abused him. He was beaten and thrown out of the office. At that time, the

informant had not made any complaint with police. When his relatives demanded money, the informant went to office at Dhayri. The applicant was present there. The accused refused to pay any amount. The other accused refused to meet him. Thereafter the accused started their different office at Nanded City. The informant realised that he was cheated and his money was misappropriated. On this basis, the F.I.R. is lodged.

4. Learned counsel for the Applicant submitted that *prima facie* the F. I. R. mentioned that the incident had taken place on 15th November 2020. The F. I. R. was lodged on 20th December 2023. Thus, there was unexplained delay of three years. He submitted that the Applicant has not committed any offence. The main allegations are against her husband Sushil. Applicant herself has not received any amount in her personal account. It was paid in the personal account of her husband-Sushil. Learned counsel for the Applicant relied on the Order dated 12th February 2024 passed in Anticipatory Bail Application No.403 of 2024 whereby Sushil's brother Siddharth was granted anticipatory bail.

5. Learned APP, on instructions, accepted that the amount was paid by the informant in the personal account of Applicant's husband-Sushil. She however opposed the application on the basis of the allegations made in the F. I. R.

6. I have considered these submissions. The main accused-Sushil is already arrested and is in custody. The applicant has not received any amount in her personal account. The co-accused-Siddharth, who was Sushil's brother, who was also similarly placed, was granted anticipatory bail. Thus, the principles of parity apply in the present case. The applicant is a lady. Her custodial interrogation is not necessary. In the event of her arrest, she can be protected under Section 438 of the Criminal Procedure Code.

7. Hence, the following order :

ORDER

- i) In the event of her arrest in connection with C.R. No.926 of 2023 registered at Chaturshrungi Police Station, Pune City, the Applicant is directed to be released on bail on her executing P. R. bond

in the sum of ₹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) Application is disposed of.

(SARANG V. KOTWAL, J.)

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