

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

ANTICIPATORY BAIL APPLICATION NO.2216 OF 2023

Shivani Saurabh Mishra	 Applicant
versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO.3176 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2216 OF 2023**

Rajesh Ramlal Pandey	 Intervenor
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IN THE MATTER BETWEEN :

Shivani Saurabh Mishra	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr. Saurabh Butala a/w Manvi Sharma, Advocate for Applicant.
- Mr. Ganesh K. Sovani, Advocate for Intervenor.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th FEBRUARY, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.72/2023, dated 06/04/2023, registered with

Rabodi Police Station, Thane City, under sections 120-B, 409, 417, 420, 467, 468, 471 of the Indian Penal Code.

2. Heard Mr. Saurabh Butala, learned counsel for the Applicant, Mr. Ganesh Sovani, learned counsel for the Intervenor and Ms. Mahalakshmi Ganapathy, learned APP for the State.
3. The FIR is lodged by one Rajesh Pandey. He has stated that he was a Director and CEO of Telemachus High-tech Pvt. Ltd. One Shantibhai Chheda and Firdoz Contractor were the investors in that company. In 2007-2008, he got in contact with one Saket Shrivastav of Lucknow. He introduced the informant to one Saurabh Mishra. Both of them represented to the informant that they were the contractors and they were in a position to get contracts for the informant. During further meeting, they told the informant that one project behind Lucknow Airport was to come up and that both of them would help the informant in getting that contract; but for that, the informant had to pay Rs.1 ½ to 2 Crores. Similarly, in 2016 they

represented to the informant that they could get a contract for transport of around 25,000 Metric Ton of sand. The accused extracted money in the name of Rashtroday Prakashan Pvt. Ltd. on some pretext. As far as the present Applicant is concerned, there is averment that after the first meeting with Saurabh, the informant had gone to his house to meet him again at Lucknow. That meeting was attended by Saurabh's wife Smita and the present Applicant who is Saurabh's daughter. The informant had paid Rs.50 lakhs to Saurabh in the presence of Applicant and her mother Smita. The FIR further mentions that certain amount was transferred in the account of News Times Post International. In short, the FIR mentions that the accused obtained Rs.13.20 crores on various pretext and returned only Rs.1.20 crores. Thus the accused had misappropriated this huge amount.

4. Learned counsel appearing for the first informant submitted that the amounts of Rs.1.50 crores, Rs.50 lakhs and Rs.1 crore were deposited in the account of Rashtroday Prakashan Pvt. Ltd., of which the present Applicant Shivani was

one of the Directors. Rs.3.66 Crores were deposited in the account of News Times Post International, in which the Applicant Shivani was a Director. He therefore submitted that the role of the Applicant Shivani is also clearly made out.

5. Learned APP relied on the averments in the FIR and she supported the submission made by the learned counsel for the informant.
6. Learned counsel for the Applicant submitted that in the year 2016, the Applicant was 18 years of age and was a law student. She was studying at Haryana. Her father Saurabh Mishra inducted her in their private company as a Director. She was not involved in any decision making process of the company. He submitted that the entire amount was given between about 2016 to 2018, during which period she was 18 to 20 years of age. He submitted that after getting her Sanad she has now started practicing law. She is young and she is needlessly roped in because all the main allegations are against her father.

7. I have considered these submissions. The allegations against the Applicant are that abovementioned amount has gone to the account of the companies where she was a Director. There is no specific role attributed to her about making any false representation or about forgery. As submitted by learned counsel for the Applicant, she is a young lady and is in the initial years of her law practice. During the relevant time, she was about 18 to 20 years of age. Therefore, there is substance in the submission of learned counsel for the Applicant that her father had inducted her in the company owned by the family. Beyond that, there are hardly any allegations against the present Applicant. Therefore, her custodial interrogation is not justified. At the highest, she will have to cooperate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.72/2023, dated 06/04/2023, registered

with Rabodi Police Station, Thane City, 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 cooperate with the investigation.
- (iii) The Anticipatory Bail Application as well as the Interim Application stand disposed of.

(SARANG V. KOTWAL, J.)