

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2048 OF 2024

Anuradha Ratnakant Jadhav ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Sanad Vijay Desai i/b. Mr. Ashok Bagal for Applicant.

Mr. Sagar R. Agarkar, APP for Respondent-State.

Mr. Pawar, API, Property Cell DCB CID.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 03, 2024

P.C. :

. Heard Mr. Bagal, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. The applicant is seeking bail as she was arrested on 26.01.2021 in connection with FIR No.176 of 2020 dated 14.08.2020 registered with Sion Police Station, Mumbai, initially for offence under Section 420 read with Section 34 of the Indian Penal Code, 1860 (IPC). Subsequently, the investigation was transferred to DCB, CID and upon completion of investigation, the applicant and other accused persons are being prosecuted for offences under Sections 419, 420, 465, 467, 468, 471, 170, 34 and 120-B of the IPC.

3. The informant, in the present case, approached the police with a grievance that the named accused person one Prakash Tukaram Sadafule along with his associates had given false promise to the informant about providing job in Brihanmumbai Municipal Corporation, for which purpose, he had taken amount of Rs.4 lakhs. Despite the fact that an impression was sought to be created that appointment order would be issued and even medical examination of the informant was conducted,

eventually it came to light that the informant had been duped. The investigation revealed that there were number of such innocent individuals, who were duped by the accused persons.

4. The learned counsel for the applicant submits that the only allegation against the applicant is that, she was possessing a forged identity card, showing her as an officer concerned with the medical field and that she was involved in the offences to the extent of conducting fake medical examination of the informant and other similarly situated aggrieved persons. It is submitted that, other than the said allegation, there is nothing alleged against the applicant. There is hardly any material to link the applicant with the main accused persons. It is further brought to the notice of this Court that 6 out of 12 accused persons have been granted bail and this includes accused No.9 - Gayatri, who is alleged to have been party to creating forged identity documents.

5. It is further submitted that the applicant has already faced incarceration for a period of more than three years and ten months and since the charge is also not framed, there is hardly any possibility of the trial being completed within a reasonable period of time.

6. The learned APP relies upon the reasoning given by the Sessions Court, while rejecting the bail application of the applicant. It is submitted that serious allegation of forgery is levelled against the applicant, concerning Section 467 of the IPC, which prescribes for punishment of life imprisonment. On this basis, it is submitted that since the applicant has played a major role in the present case, she ought not to be released on bail.

7. This Court has considered the rival submissions in the light of the material brought on record. This Court is inclined to allow the present application for the following reasons:-

- a. The applicant's role has come to light during the course of investigation and the specific allegation against her appears to be that, she has used a forged identity card to give an impression that she was associated with the medical team, which carried out the fake medical examination of the informant and other similarly situated persons. But, there does not appear to be any material to show that any amount paid by such aggrieved persons made its way to the applicant;
- b. The record shows that 6 out of 12 accused persons have been granted bail by the Sessions Court and this Court. This includes accused No.9 - Gayatri against whom specific allegations have been made in the charge-sheet about forging identity documents. The allegation against the applicant appears to be that, she used the forged identity card, which *prima facie*, can be said to be an allegation relatable to offence under Section 371 of the IPC;
- c. The applicant was arrested on 26.01.2021, thereby showing that she has already undergone incarceration for substantial period of more than three years and ten months;
- d. The applicant is a woman and a senior citizen, aged about 61 years. Since charge is yet to be framed, the trial would take considerable period of time to complete and no useful purpose would be served by keeping the applicant in judicial custody.

8. In view of the above, the application is allowed in the following terms:-

- (A) The applicant shall be released on bail in connection with FIR No.176 of 2020 dated 14.08.2020 registered with Sion

Police Station, Mumbai and subsequently transferred to DCB CID Property Cell and registered as C.R.No.174 of 2020, on furnishing P.R. Bond of Rs.25,000/ and one or two sureties in the like amount;

- (B) The applicant shall report to the concerned police station on first Saturday of every month between 3:00 p.m. and 5:00 p.m.;
- (C) The applicant shall not attend the trial regularly;
- (D) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of bail. It is also clarified that the observations made in this order are limited to the question of grant of bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. At this stage, the learned counsel for the applicant prays for cash security till the surety is furnished.

11. The applicant is permitted to furnish cash security of Rs.25,000/- for a period of four weeks.

12. The bail application stands disposed of accordingly.

(MANISH PITALE, J.)