IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1614 OF 2024

Rupal Ramawtar Pareek
Age: 30, Occupation: Business
presently residing at B-28,
Balaji Vihar, Manchera, Harmada,
New Loha Mandi Road, Jaipur,
Rajasthan- 302013. ... Applicant

v/s.

State of Maharashtra
(Through Gamdevi Police Station) ... Respondent

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Mr Rahul Agarwal, a/w. Mr Aman Kacheria, a/w. Ms Jasmin Purani, i/b. A And D Legal, for the Applicant (through VC).

Mr NB Patil, APP, for Respondent State.

API Sandip Mane, Gamdevi Police Station is present.

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Coram : R.N. Laddha, J.
Date : 20 June 2024

P.C. :

Heard Mr Rahul Agarwal, the learned Counsel for the applicant and Mr Nitin Patil, the learned APP representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.0135 of 2024, registered with Gamdevi Police Station, Mumbai, for the offences punishable under Sections 409, 420, 465, 467, 468, 471, and 120-B of the Indian Penal Code.

3. On the basis of the report lodged by the first informant, the police registered the aforesaid crime on 9 February 2024. The informant, who is married and resides with her husband and children, has two sisters named Kanchan and Shalini. Her father held a bank account with Union Bank of India. Accused No.1, Ravi Sharma (the applicant's husband), worked as a Relationship Manager at ICICI Bank's Kemps Corner Branch. As the informant's father fell into the 'High Net Worth Income' category, ICICI Bank assigned accused No.1 to visit her father's house for signatures on various forms related to the bank account, demat account, fixed deposit, insurance, mutual funds, and other investments. Accused No.1 regularly visited the informant's father to obtain his signatures. Trusting accused No.1, the informant's father also allowed him to manage his Union Bank of India account. Between January 2019 and January 2024, approximately had a balance of Rs.10 Crores in the father's ICICI bank account. Accused No.1 occasionally gifted valuable items to the informant's father claiming them to be a part of an ICICI bank scheme. On 12.01.2024, the informant's parents gave her debit and credit cards to purchase medicines. However, when she attempted to withdraw money from an ATM, the transactions were declined. After a thorough enquiry, it was discovered that accused No.1 had embezzled a significant amount from the father's bank account. The applicant, who is wife of accused No.1, is alleged to have received a portion of this misappropriated sum in her own bank account.

4. Mr Rahul Agarwal, the learned Counsel for the applicant, contends that the applicant has been falsely implicated in this crime and wrongly labeled as an absconding accused in the charge sheet. In the charge sheet, the prosecution has reserved its right to investigate the present applicant u/s 173(8) of CrPC. On 25.05.2024, the applicant received a notice u/s 41-A of CrPC and promptly responded via WhatsApp to the respondent. After that no notice was received to her. He points out that the applicant's name does not appear in the FIR, and she played no role in the alleged transaction. The learned Counsel further submits that the applicant's husband (accused No.1) managed her bank account, and she was unaware of the transactions therein.

5. Mr N.B.Patil, the learned APP, representing the respondent /State, submits that the applicant, who is the wife of accused No.1, failed to respond to the notice u/s 41-A of CrPC, and did not cooperate with the investigation. She received a substantial amount of Rs.2.30 Crores in her bank account, which was not available in her bank account while freezing it. As a banker, she is aware about the transactions recorded in her bank account. The offence is premeditated, and she played an active role in it. In these circumstances, the custodial interrogation of the applicant would be necessary.

6. Upon perusal of the records, it appears that despite receiving the

notice u/s 41-A CrPC, the applicant did not cooperate with the investigation. The applicant's involvement in the crime was revealed during the course of the investigation. A significant amount was transferred from the informant, her sisters and parents' accounts into the applicant's and her husband's accounts. There is material to indicate that the applicant was aware of these transactions and is a beneficiary of the transferred sum. The offence appears to have been meticulously planned and the applicant has played an active role in its execution. In light of the above, the present application stands rejected.

[R.N. Laddha, J.]