

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

Anticipatory Bail Application No.1656 of 2024

Badami Jagdish Rawal
Aged: 61 years Occ: Housewife
503, Harshad Heights
Opposite HDFC Bank
Naer Flyover, 150 feet road
Bhayander (West)
Thane (Maharashtra)
India -401101

.... Applicant.

Vs.

The State of Maharashtra
(Navghar Police Station)

..... Respondent.

Mr Rramkumar Pugaliya a/w Chandni Shaikh a/w Ramani Shenoy
i/by Parks Legal for the applicant.

Mr Avinash A Naik, APP for Respondent/State.

API RV Surwase, Navghar Police Station is present.

Coram : R.N.Laddha, J.

Date : 9 July 2024.

P.C. :

Heard Mr Ramkumar Pugalia, the learned Counsel for the applicant, and Mr Avinash Naik, the learned Additional Public Prosecutor representing the respondent/ State.

2. This application is filed by the applicant seeking anticipatory bail in connection with CR No.489 of 2023, registered at Navghar Police Station, for the offences punishable under Sections 406,

420, 506 read with 34 of the Indian Penal Code.

3. The prosecution alleges that the applicant's son, Vijay, who is a co-accused, periodically received Rs.25,40,000/- by promising lucrative returns on gold investments. However, he failed to repay the amount received from the informant. Furthermore, the applicant also assured the informant of favourable returns and provided a cheque as security.

4. Mr Ramkumar Pugalia, the learned Counsel appearing on behalf of the applicant, submits that a written complaint was filed by the informant on 28.03.2023, seeking recovery of money involving six family members of the applicant. However, after four months, the present FIR was registered in August 2023 against only two persons, with twist and contradictions in the facts and figures of the initial complaint. Notably, the FIR does not mention the previous written complaint. The applicant's role is described as limited, and she not the recipient of the alleged amount. The ingredients of the alleged offence are neither stated nor inferred from the FIR. The applicant, a 61 year old woman with no criminal history, has been under interim protection since August 2023 and has cooperated with the investigation by attending the concerned police station for approximately 9 months.

5. On the other hand, Mr Avinash Naik, the learned

Additional Public Prosecutor representing the respondent/ State, contends that the applicant's son, Vijay, who is a co-accused, periodically received Rs.25,40,000/- by promising lucrative returns on investments. However, he failed to honour his commitment and did not repay the amount.

6. Upon perusing the records, it becomes evident that in March 2023, the informant initially filed a written complaint related to the present offence. Approximately four months later, the same informant lodged the present FIR with different details. Admittedly, the applicant was on interim bail from August 2023 and diligently cooperated with the investigation for about nine months. Furthermore, the applicant is not the recipient of the alleged sum. The co-accused, Vijay, accepted the amount from the informant under the guise of an investment but failed to return it.

7. In view of the aforesaid, and having regard to the nature of the allegations, the custodial interrogation of the applicant is not warranted. Consequently, the present application is allowed in the following terms :

(i) In the event of applicant's arrested in CR No.489 of 2023 registered with Navghar Police Station, she be released on bail on executing a PR Bond of Rs.25,000/- with one

or more sureties in the like amount.

(ii) The applicant shall attend concerned police station as and when required.

(iii) The applicant, herself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of in the above terms.

[R.N.Laddha,J.]