IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2363 of 2024

Alpa Ketan Thakkar
Adult 45 years, Occupation- Housewife
Residing at D-404, Tirupati Dham,
Near Goldnest, Indralok Phase-I,
Bhayander (E), Thane – 401105 ...Applicant

v/s.

The State of Maharashtra
(At the instance of
Tardeo Police Station) ...Respondent

Mr Prasad Borkar, a/w. Mr Manoj Borkar, for the Applicant.
Mr Amit A Palkar, APP, for Respondent State.
PSI VJ Dhumal, Tardeo Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.
Date: 3 September 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.314 of 2024, registered at Tardeo Police Station, Mumbai, for the offences punishable under Sections 406 and 420, read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that the applicant's husband, identified as accused No.1, is the proprietor of Bhagyadhan Lakshmi Co. and holds a trading account with Zerodha. The co-accused received funds in the firm's account and invested them in stock market. From 3 April 2023 to 20 August 2023, the

informant gave Rs.60,00,000/- to the applicant and her husband, for investment purposes. In return, the co-accused issued a security cheque for this amount. Between 11 May 2023 and 15 March 2024, the co-accused repaid Rs.29,77,600/- to the informant. Despite multiple reminders, the co-accused failed to return the remaining amount and asked the informant to deposit the security cheque, which got dishonoured due to 'stop payment' instructions. Consequently, the informant filed the present FIR.

3. Mr Prasad Borkar, the learned Counsel appearing on behalf of the applicant, contends that the genesis of the offence is of a civil nature. The learned Counsel explains that although the applicant received Rs.10,00,000/-, this sum was transferred to the co-accused's account. Mr Borkar asserts the applicant's innocence, stating that she has been falsely implicated in the present crime due to her being the wife of the co-accused. Further, the applicant is willing to comply with the conditions imposed by the Court.

4. At the outset, Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, on instructions from the investigating officer present in the Court, acknowledges that the applicant has not benefited from the transaction, thus not necessitating her custody. Furthermore, he consents to granting anticipatory bail to the applicant.

5. Upon perusing the records, it appears that the informant deposited Rs.60,00,000/- with the co-accused for investment purposes, of which Rs.29,77,600/- have been repaid. The informant's main grievance is the non-payment of the remaining amount. The applicant’s involvement in the alleged crime is limited to receiving Rs.10,00,000/- in her bank account. However, the bank statements show that this amount was transferred from the applicant’s account to the co-accused’s account. At first glance, the applicant does not seems to have been benefited from the informant’s investments. Considering this and the fact that the investigation is nearing completion, and the prosecution does not require the applicant’s custody, consent is given to grant anticipatory bail to the applicant. Therefore, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

i. In the event of the applicant’s arrest in connection with CR No.314 of 2024, registered at Tardeo Police Station, she shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

ii. The applicant shall attend the 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.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)