IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2650 OF 2024

Prachi Purushottam Patankar ... Applicant
Versus
The State of Maharashtra ... Respondent

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Ms. Meghna A. Gowalani for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Prashant Kamase, API, EOW, Pune.

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CORAM: MANISH PITALE, J.
DATE : 1st OCTOBER 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0060 of 2024 dated 17th January 2024 registered at Bharati Vidyapeeth Police Station, Dist. Pune, for offences under Sections 406, 409, 420, 467, 468, 471 and 472 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is concerned with an entity called Sanas Builders and he approached the Police with a grievance that certain flats belonging to the said entity were sold and the co-accused i.e. the brother-in-law of the applicant was shown as a purchaser. It was alleged that the seller in the present

case was a person, who impersonated the informant and thereby, executed the documents selling two flats in favour of the co-accused person. The applicant signed the document as a witness, who identified the co-accused person. The consideration amount was deposited in a fake bank account of Sanas Builders and when this came to light, the FIR was registered.

4. The learned counsel for the applicant submits that the only role attributed to the applicant is that she signed as a witness to the document, whereby she merely identified her brother-in-law i.e. the co-accused person. It was submitted that in such circumstances, no criminality can be alleged against the applicant. It is further submitted that since the applicant is ready to cooperate with the investigation, this Court may consider granting relief of anticipatory bail.

5. On the other hand, the learned APP relied upon the investigation papers, to point out that the consideration amount, which was transferred in the fake bank account of the Sanas Builders, was then diverted to the account of the father-in-law of the applicant and from the said account, various amounts were transferred to the accused persons and a specific amount of Rs.10 lakhs was transferred into the account of the applicant. The money trail clearly indicates that the applicant was one of the beneficiaries of the serious crime of impersonation and cheating in the present case. It was emphasized that the consideration amount for the said transaction was arranged on the basis of a loan from a

bank, thereby indicating that the accused persons even duped the aforesaid bank by firstly, depositing the consideration amount in the fake account of Sanas Builders and thereafter, diverting the same to the account of the father-in-law of the applicant and further, disbursing the amounts to the accused persons. It is submitted that the active involvement of the applicant is evident and therefore, no indulgence can be shown to the applicant.

6. The material brought to the notice of this Court by the learned APP, on the basis of the documents that have come to light during the course of investigation, take the wind out of the arguments made on behalf of the applicant that she is merely a lady, who signed as a witness on the aforesaid document to identify her brother-in-law. The material on record does not support the aforesaid stand taken on behalf of the applicant. In the present case, the documents on record clearly show that the money trail leads to the applicant also and it can be said that she is one of the beneficiaries of the activity undertaken by the accused persons, leading to registration of serious offences in the present case. The accused persons not only impersonated the informant and clandestinely sold the flats belonging to Sanas Builders, but fake bank account of Sanas Builders was opened, wherein the amount towards consideration raised on that basis of loan obtained from the bank was deposited. The said amount was then diverted to the bank account of the father-in-law of the applicant, which eventually found its way to the accused persons, including

the applicant herein.

7. In the face of such facts, no case is made out for showing any indulgence to the applicant. Accordingly, the application is dismissed.

MANISH PITALE, J.