

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

ANTICIPATORY BAIL APPLICATION NO. 2747 OF 2024

Alka Dilip Kothari	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Subodh Desai, Senior Advocate, a/w Omkar Mulekar for the Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

Mr. Tanveer Aziz Patel a/w Mr. Nauman Abbas Patel for First Informant.

Mr. Amol B. Shinde, API, EOW-2, Navi Mumbai (Crime Branch).

**CORAM: MANISH PITALE, J.
DATE : 10th OCTOBER 2024**

P.C. :

. Heard learned Senior Counsel for the applicant and learned APP for the respondent-State, as well as the learned counsel having instructions to appear on behalf of the first informant.

2. The applicant is apprehending arrest in connection with FIR No. 0448 dated 16th July 2024 registered at Panvel City Police Station, Navi Mumbai, for offences under Sections 420, 409 and 406 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act).

3. The applicant is one of the 4 accused persons. The other

accused persons are husband, son and daughter-in-law of the applicant. The allegation of the informant is that the accused persons gave inducement for investing substantial amounts of money with a promise of handsome returns. Initially, some amounts of investment were returned, which were re-invested. But, the promised return did not materialize and the amounts that were deposited were also lost.

4. The learned Senior Counsel appearing for the applicant submits that this Court may consider granting relief to the applicant, as she is a housewife and her name has been taken in an omnibus manner by the informant, while making allegations against the husband of the applicant and the proprietary concern i.e. M/s. D. M. Kothari Jewellers. It is submitted that the applicant is ready to cooperate with the investigation.

5. The learned APP for the respondent-State and the learned counsel having instructions to appear on behalf of the first informant, have vehemently opposed the present application. They submit that the applicant, along with the other accused persons, is absconding. It is submitted that the statements of other victims/witnesses indicate the same *modus operandi* was adopted by the applicant and the accused persons, in inducing the innocent investors to invest substantial amounts. It is submitted that the amount misappropriated in the present case is in the range of about Rs.6.5 crores.

6. This Court has considered the statement, leading to registration of the FIR. There is no doubt about the fact that the applicant is also specifically named by the informant. The other victims/witnesses have also named the applicant in their statements. But, for the present, it appears that the amounts that were transferred, were in the account of the said proprietary concern and there is presently nothing to indicate that cash amounts were handled by the applicant. In any case, the applicant is a woman and senior citizen, aged about 61 years, who is ready to join the investigation. Therefore, while keeping the present application pending, this Court is inclined to grant interim relief in favour of the applicant.

7. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0448 dated 16th July 2024 registered at Panvel City Police Station, Navi Mumbai, she shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 12th and 14th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (c) The applicant shall cooperate with the investigation. She shall surrender her passport before the Investigating Officer.

- (d) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case.
8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
9. List this application for further consideration on 12th November 2024 (High on Board).

MANISH PITALE, J.