

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

ANTICIPATORY BAIL APPLICATION NO. 2867 OF 2024

Bina Ravi Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Milan Desai i/b Ms. Ashwini Desai, for Applicant.
- Ms. Rutuja A. Ambekar, APP for Respondent.
- Mr. Yogesh B. Dandekar, for Intervenor

CORAM : MANISH PITALE, J.

DATE : 23rd OCTOBER, 2024.

P. C. :

SHRIKANT
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MALANI

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

2. The applicant is apprehending arrest in connection with First Information Report No.0088 of 2022, dated 16.07.2022, registered at Police Station Shrivardhan, District Raigad, for offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC). This Court is informed that subsequently, offences under the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act) have also been added.

3. At the outset, learned counsel for the applicant invites attention to orders passed at Exhibit "K" and "L", which pertain to co-accused person i.e. the daughter of the applicant. It is highlighted that the co-accused person is

initially granted interim relief and thereafter, her application for anticipatory bail was allowed by this Court. It is submitted that the role of the applicant is limited to holding a joint account with the said co-accused person and there is no question of any criminality being alleged against her.

4. It is further submitted that in terms of the statement made in paragraph No.73 of the application, the applicant appeared before the Investigating Authority, when she received notice under Section 41A of the Code of Criminal Procedure and that she cooperated with the investigation.

5. Although learned APP is opposing the present application, this Court is of the opinion that observations made in the order dated 29.07.2024, while granting interim relief to the co-accused (daughter) in Anticipatory Bail Application No.1358 of 2024, are relevant. The said observations read as follows :

“5. This Court put queries to the learned APP as to what is the new material that has come on record necessitating arrest of the applicant, to which he submitted that there is material to show that substantial amounts were transferred by the co-accused Amitkumar Sharma into the account of the applicant. Attention of this Court is also invited to statement of the said co-accused person at pages 190-191.

6. This Court is of the opinion that when the aforesaid material was known to the investigating authority when the charge-sheet was filed, it appears to be a quite

surprising that at this stage, the investigating authority is insisting on arresting the applicant, who is a woman.

7. *In these circumstances, the applicant has clearly made out a prima facie case in her favour for granting interim relief, subject to the applicant co-operating with the investigating authority.”*

6. Additionally, the applicant has made a specific statement in paragraph No.73 in the application as follows :

“73. That in the present case none of the alleged offences are punishable with imprisonment for more than 7 yrs., and therefore the Investigating agency had issued her notice u/s 41-A of the Cr.P.C, and it is admitted position that she has not only attended the office of the Investigating agency but has co-operated with them and complied with all their conditions, and thus there is no justifiable reason for subjecting the Applicant to custodial investigation.”

7. Considering the fact that the applicant is a woman aged about 59 years and in the light of the above quoted observations made in the case of co-accused (daughter), this Court is inclined to grant interim relief to the applicant, while keeping the present application pending.

8. The respondent – State may place on record material, which is relied upon to oppose the prayer for anticipatory bail.

9. In view of the above, there shall be interim order in the following terms :

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0088 of 2022, dated 16.07.2022, registered at Police Station Shrivardhan, District Raigad, she shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 26th October, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicant shall co-operate with the investigation.
- (D) The applicant shall not influence the informant, witness or any person concerned with the case and she shall not tamper with the evidence.
10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
11. List for further consideration on 27th November, 2024, “High on Board.”

(MANISH PITALE, J.)