IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2895 OF 2024

Pooja Manish Doiphode ...Applicant

Versus

The State of Maharashtra ...Respondent

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- Mr. Vishal Kolekar, for Applicant.
- Mr. Bapu V. Holambe Patil , APP for Respondent.
- Ms. A.E. Dugaonkar, PSI, Dehu Road Police Station.

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CORAM : MANISH PITALE, J.
DATE : 25th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Kolekar, learned counsel for the applicant and Mr. Holambe Patil, learned APP for respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0371 of 2024, dated 10.08.2021, registered at Police Station Dehu Road, Pimpri – Chinchwad, for offences under Sections 506, 420, 406 and 1 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that the applicant and her husband both being Doctors, concerned with a particular hospital being run by them, dishonestly induced the informant to part with substantial amount of money towards deposit for the purpose of opening a medical shop in the said hospital. It is submitted that when the necessary documents were demanded from the

accused persons, they said that such documents would be made available. It took lot of persuasion on the part of the informant to eventually get the documents. At this stage, it was found that the documents were incomplete and there was already license issued for some other person to open the medical shop, due to which the application of the informant could not be entertained by the concerned authority. But, in the present case, the accused persons had collected huge amount of ₹ 11 Lakhs from the informant towards deposit and they were refusing to return the same. On this basis, the aforesaid offences have been registered against the accused persons.

4. The learned counsel for the applicant submits that the tenor of the statement of the informant, leading to registration of the FIR, indicates that the allegations are really made against the husband of the applicant. The amounts were all transferred in the account of co-accused husband, thereby demonstrating that the applicant cannot be said to be a beneficiary. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP submits that the allegations pertaining to inducement and false representations have been levelled against the both the accused persons, including the applicant. It is submitted that there are at least 4 other persons, who were duped in a similar manner by the accused persons, including the applicant. All have them paid substantial

amounts towards deposit and they could not open laboratory or medical shop in the said hospital. It was submitted a total amount of ₹ 41 Lakhs was misappropriated in such a manner by the applicant and the co-accused person.

6. It was further submitted that when interim order was granted in favour of the applicant by the Sessions Court, subject to specific conditions and directions, the applicant violated the said conditions with impunity. She did not provide her temporary and permanent addresses to the investigating officer, despite a specific direction in the said interim order and she behaved in a most arrogant manner with the investigating officer when she was asked to appear before the investigating officer. It is submitted that in such circumstances, the application deserves to be dismissed.

7. Despite the conduct of the applicant brought to the notice of this Court, it would be appropriate to grant interim relief to the applicant, while keeping the application pending, for the following reasons :

(i) The applicant is a woman and even as per the statements of the informant as well as the witnesses, who paid substantial amounts towards deposit, all such amounts were transferred in the account of the co-accused person and not the account of the applicant.

(ii) In that sense, *prima facie,* it could be said that the applicant was not a beneficiary of the transfer of such amounts.

(iii) The applicant being a woman has undertaken to appear before the investigating officer, to give her temporary and permanent addresses and her active contact numbers and to fully cooperate with the investigation, particularly in the light of serious allegations made against her by the investigating authority. In such a situation, one more chance can be granted to the applicant to cooperate with the investigation, particularly because interim order was operating in her favour, during the pendency of the anticipatory bail application before the Sessions Court.

8. 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.0371 of 2024, dated 10.08.2021, registered at Police Station Dehu Road, District Pimpri – Chinchwad, she shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount.

(B) The applicant shall remain present before the Investigating

Officer on 28th October, 2024, 29th October, 2024 and 30th 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 fully cooperate with the investigation, including giving details of the temporary and permanent addressed and active contact numbers in writing to 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.

9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

10. Needless to say, observations made in the present order are limited to considering the question of granting interim relief in the present application.

11. List this application for further consideration on **14th November, 2024, at the top of the board.**

12. This Court will verify as to whether the applicant has abided by her undertakings to cooperate with the investigation. In case, it is found that the applicant has violated the undertakings, the application shall be dismissed without further reference to the Court.

13. Needless to say, when the applicant remains present before the Investigating Officer, as per the direction given hereinabove, to cooperate with the investigation, the concerned Investigating Officer shall acknowledge her presence in writing.

(MANISH PITALE, J.)