

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

ANTICIPATORY BAIL APPLICATION NO. 3134 OF 2024

Sapana Ganesh Kondhare

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Narayan Gopinath Rokade, for Applicant.
- Mr. Balraj B. Kulkarni, APP for respondent – State.
- Ms. Shweta Belhhekar, API, EOW Pune City.

CORAM : MANISH PITALE, J.

DATE : 26th NOVEMBER, 2024.

P. C. :

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.427 of 2024, dated 23rd May, 2024, registered at Police Station Bharti Vidyapeeth, District Pune City, for offences under Sections 420, 406 and 506 of the Indian Penal Code, 1860 (IPC).

3. The grievance of the informant is that the named accused person i.e. the husband of the applicant induced the informant into parting with huge amount of money for purchasing a plot of land. After the amount was transferred in favour of the said accused person, no steps were taken for executing appropriate document for purchase of plot and the informant

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realized that he had been duped.

4. The learned counsel for the applicant submits that there is no overt act attributed the applicant and the only reason why her application was dismissed by the Sessions Court was that some of the amount found its way to a bank account, which is in the name of a proprietary concern of which she is shown as a proprietor. It is submitted that the applicant is a woman and she is ready to cooperate with the investigation. This Court is further informed that her husband i.e. the only named accused person is already arrested and he is in Judicial custody.

5. The learned APP, on the other hand, submits that the investigation has revealed that the substantial amounts were transferred in favour of J.K. Builders and Developers of which the applicant is a proprietor, thereby showing that she is a beneficiary in the present case. It is further stated that the said bank account has been frozen as on 30th May, 2024.

6. Having heard the rival submissions, this Court is inclined to allow the application, for the following reasons :

- (i) The applicant is not named as an accused in the FIR.
There is no allegation directly made against the applicant by the informant and all the allegations regarding the offences registered in the present case have been made

against the named accused person i.e. the husband of the applicant.

- (ii) The fact that the certain amounts were transferred into the aforesaid account of J.K. Builders and Developers of which the applicant is shown as the proprietor at this stage cannot be a ground for depriving relief to the applicant, for the reason that the said fact also does not indicate any active role of the applicant as regards ingredients of the offences pertaining to sections 406, 420 and 506 of the IPC.
- (iii) The aforesaid account of the proprietorship concern has been already frozen during the course of investigation and it is evident that the applicant will not be able to deal with the said account, during the pendency of the investigation.
- (iv) The applicant is a woman and she is ready to cooperate with the investigation.

7. For the aforesaid reasons, the application is allowed in the following terms:

- (A) In the event the applicant is arrested in connection with FIR No.427 of 2024, dated 23rd May, 2024, registered at Police Station Bharti Vidyapeeth, District Pune City, she

shall be released on bail, on furnishing PR Bond of ₹50,000/- 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 29th November, 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.

(D) The applicant shall not tamper with the evidence in any manner. She shall not influence the informant, witnesses or any other persons concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

9. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

10. The application is disposed of.

(MANISH PITALE, J.)