IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3364 OF 2024

Nirmala Popat Natkar ... Applicant
Versus
The State of Maharashtra ... Respondent

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Ms. Madhavi Ayyappam a/w Ms. Neha Lalsare i/by Talekar and Associates for the Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.
Mr. Pandit Kasar a/w Sagar Bhosale for Intervenor.
Mr. Subhash S. Chavan, Wakad Police Station.

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CORAM: MANISH PITALE, J.
DATE : 13th DECEMBER 2024

P.C. :

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

2. The applicant in this case is apprehending arrest in connection with FIR No. 0871 of 2024 dated 7th August 2024 registered at Wakad Police Station, Dist. Pimpri-Chinchwad, initially for offences under Sections 409 and 420 read with 34 of the Indian Penal Code, 1860 (IPC). Subsequently, offences under Sections 464, 467, 468, 470 and 471 of the IPC have been added.

3. The informant has stated that the co-accused i.e. the husband of the applicant was working in the firm of the

informant. Upon audit of the firm, the Chartered Accountants told the informant that there were certain discrepancies in the accounts pertaining to the year 2022-2023. It later came to light that the accused persons siphoned away substantial amounts of the firm. When the FIR was registered, reference was made to an amount of more than Rs.82 lakhs, but the investigation revealed that amount of about Rs.3 crores was siphoned off.

4. The learned counsel for the applicant submits that the only allegation against the applicant appears to be that some of the allegedly siphoned off money found its way to her account and that some properties were purchased in her name, which were allegedly financed through such ill-gotten money. It is submitted that even if such allegations are to be taken into consideration, the ingredients of the offences registered in the present case cannot be said to be made out against the applicant. It is submitted that there was an interim order operating in favour of the applicant when an anticipatory bail application was pending before the Sessions Court. It is clarified that although the applicant could not attend the Police Station on 10th November 2024, as directed by the Sessions Court in the interim order, it was due to unforseen circumstances as the applicant is stated to have a mentally challenged child. It is further stated the applicant did appear before the Police Station on 12th November 2024. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP and the learned counsel

appearing for the first informant, opposed the present application. It is submitted that the present case involves misappropriation of huge amount of money and that serious offences, including offences under Sections 409 and 467 of the IPC have been registered, which provide for maximum punishment for imprisonment for life.

6. Having heard the rival submissions in the backdrop of the material on record, this Court finds substance in the contentions raised on behalf of the applicant.

7. The thrust of the allegations in the statement leading to registration of the FIR appears to be against the co-accused person i.e. the husband of the applicant. He is stated to have been an employee of the informant's firm and during his period of employment, he allegedly siphoned off large amounts of money. Thereafter, in connivance of the other co-accused person, properties were purchased, including properties in the name of the applicant. It is also alleged that jwellery was purchased out of the ill-gotten money.

8. This Court is of the opinion that even if such allegations are to be taken into account, insofar as the applicant is concerned, *prima facie* there does not appear to be material to support ingredients of serious offences under Sections 409 and 467 of the IPC. Even on the aspect of Section 420 of the IPC, dishonest intention from the inception may perhaps not been relevant, as

regards the involvement of the applicant in the present case. This Court is of the opinion that in such circumstances, so long as the applicant, who is a woman, is ready to cooperate with the investigation, it would be appropriate that the application is allowed.

9. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0871 of 2024 dated 7th August 2024 registered at Wakad Police Station, Dist. Pimpri-Chinchwad, she shall be released on bail on furnishing PR Bond of Rs.50,000/- and 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 16th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for

cancellation of anticipatory bail. 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.

11. The application is disposed of.

MANISH PITALE, J.