

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3467 OF 2024

Abha Avinash Singh

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Raviraj Paramane a/w Deva Shinde for the Applicant.

Mr. V.A. Kulkarni, APP for Respondent/State.

Mr. Paras Yadav for the Applicant/Intervenor in IA/5324/2024.

Mr. Suhas Parmeshwar Patil, Asst. Police Inspector, EOW, Pune City present.

CORAM : M.M. SATHAYE, J.

DATE : 20th DECEMBER 2024

P.C. :

1. Heard learned Counsel for the Applicant, learned APP for Respondent/State and learned Counsel for the Intervener / complainant.

2. This is an application for anticipatory bail filed by accused No.2 in connection with CR No. I-288 of 2023 registered with Bandgarden Police Station, Pune for the offence punishable under Sections 120-B, 406, 420, 465, 467, 468 and 471 of the Indian Penal Code.

3. Perused the FIR dated 16.09.2023 filed by the Intervenor complainant.

4. Learned Counsel for the Applicant has placed before the Court the order dated 17.11.2023 passed by this Court in ABA (St) No. 21927 of 2023 passed in the case of Accused No.1 - husband of present Applicant. In the said order, after considering contents of FIR as well as noting the fact that a Civil Suit is pending i.e. Special Civil Suit No.

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1187 of 2023 in the Civil Court at Pune, the ad-interim protection from arrest was granted.

5. Perusal of the FIR shows that according to the complainant, the Applicant has received amounts in her personal account as well as in the account of M/s. Ambika Associates which were illegally transferred by Accused No.1 Avinashkumar Singh.

6. Learned Counsel for the Applicant submits that the present Applicant is also party to the said civil suit. He has invited this Court's attention to documents (Work awards and Invoices) contending that complainant's company had awarded contract of work to the Applicant's proprietary firm M/s. Ambika Associates directly for which payments have also been received and necessary tax invoices are also issued by the Applicant. Learned Counsel for the intervenor/complainant contends that the signature on the letters of award relied upon by the Applicant are forged.

7. Learned APP, on instructions of Investigating Officer, who is present in the Court, submits that, in the past, many notices were issued under Section 91 of the Cr.P.C. to the present Applicant as proprietor of Ambika Associates, but she has not co-operated with the investigation and has not attended concerned Unit of Economic Offence Wing, Pune City.

8. Learned Counsel for the Applicant submits that the Applicant is ready to co-operate with the investigation and is also ready to submit documents that may be asked for during the investigation.

9. Considering the aforesaid circumstances and willingness of Applicant to appear before the investigation authority, and further

considering that the Applicant is a lady, the following order is passed:

ORDER

- (i) In the event of arrest of the Applicant Smt. Abha Avinashkumar Singh in connection with CR No. I-288 of 2023 registered with Bandgarden Police Station, Pune, she be released on bail on her furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (ii) This order is subject to condition that the Applicant files written undertaking in this Court within a period of 1 week from today stating that she will make herself available for investigation on 2nd, 3rd and 4th January 2025 between 11.00 am to 5.00 pm at the Unit of Economic Offence Wing, Pune City.
- (iii) The Investigating Officer is at liberty to issue fresh notice to Applicant giving list of documents required for investigation and the Applicant shall furnish necessary documents when she will attend the Unit on 2nd, 3rd and 4th January 2025.
- (iv) The Applicant is also directed to co-operate with the investigation and further directed not to tamper with evidence and not to influence any of the witnesses involved.

10. Registry to accept Applicant's undertaking even during vacation period.

11. Stand over to 10.01.2025.

(M.M. SATHAYE, J.)