

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

ANTICIPATORY BAIL APPLICATION NO. 1947 OF 2024

Soni Purnachandra Swain ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 3014 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1947 OF 2024**

Simran Kuldeep Singh & Ors. ... Applicants
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Sagar Deokar for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Ms. Madhavi M. Tavanandi for the Applicants in IA/3014/2024.
Mr. Mahesh A. Matkar, PSI, EOW, Pimpri-Chinchwad.

**CORAM: MANISH PITALE, J.
DATE : 5th AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent-State and learned counsel appearing for the intervenors.

2. The applicant is apprehending arrest in connection with FIR No. 0108 of 2023 dated 23rd January 2023 registered at Pimpri Police Station, Pimpri-Chinchwad, for offences under Sections 420 and 406 of the Indian Penal Code, 1860 (IPC).

3. Initially, only the husband of the applicant was named as an accused in the present case. Subsequently, the names of the applicant and her son were added in the present case.

4. The grievance of the informant is that the named accused person, being owner of Goodwin City and Developers Private Limited, had induced the informant in parting with substantial amount of money on the basis a false promise of allotting a plot of land, which was never allotted. It appears that during the investigation, it came to light that there were other such persons, who were duped with such false promises.

5. The learned counsel for the applicant submits that she is not named in the FIR as one of the accused persons. As she is the wife of the named accused person and she is shown as a Director of the aforesaid company, she has been roped in without any overt act on her part. It is further brought to the notice of this Court that the named accused person as well as the other co-accused i.e. the son of the applicant, were immediately released on regular bail upon being arrested. It is submitted that charge-sheet does not reveal specific material against the applicant and therefore, this Court may consider allowing the present application.

6. The learned APP has specific instructions and he submits that there are about 14 to 15 aggrieved persons, who have raised similar allegations against the accused persons. It is further brought to the notice of this Court that amounts taken from ten

such persons have been refunded to them and in respect of two persons, specific documents pertaining to plots have been executed, but the possession is yet to be transferred and the remaining persons are still deprived of the amounts that they had given to the accused persons. It is submitted that the co-accused persons were indeed granted regular bail.

7. Although, FIR is dated 23rd January 2023 and the prayer for anticipatory bail is being pressed on behalf of the applicant, it appears that the application preferred by the applicant after charge-sheet was filed in the year 2023, was eventually dismissed by the Sessions Court only on 18th June 2024.

8. Record reveals that while the named accused person i.e. husband of the applicant was arrested on 23rd January 2023, he was immediately released on bail on the next date i.e. 24th January 2023. The other co-accused person i.e. the son of the applicant was arrested on 2nd August 2023, after the charge-sheet was filed on 23rd March 2023. He was also released on bail on 22nd August 2023. It appears that after the release of the co-accused persons, certain steps have been taken on their behalf to address the grievances of the informant and other similarly situated persons, although the grievance of all such aggrieved persons has not been addressed wholly.

9. In this situation, this Court is of the opinion that when the statement of the informant does not ascribe a specific role to the

applicant, she is not named in the FIR and as on today, there does not appear to be any specific overt act attributed to her, except for the fact that she is said to be a director of the aforesaid company, taking the applicant into custody may not serve any purpose, so long as she is ready to cooperate with the investigation.

10. 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. 0108 of 2023 dated 23rd January 2023 registered at Pimpri Police Station, 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 7th August 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. She shall not influence the informant, witnesses or any other person concerned with the case.

11. 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.

12. The application is disposed of.

13. Intervention application is disposed of in the light of the anticipatory bail application being allowed.

MANISH PITALE, J.