



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 271 OF 2024

Sangita Sadanand Swami V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.V. Dhage, counsel for applicant.

Ms. Soniya Thakur, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/06/2024.

1. Apprehending the arrest at the hands of the Police in connection with Crime No. 709/2018 registered with Police Station Mahagaon, District Yavatmal for the offence punishable under Sections 420, 468, 469, 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. As per the accusation against the present applicant, the complainant was duped by the co-accused by obtaining Rs. 5,00,000/- on the promise that they would provide the job to her son in the Government Medical College, Latur for the post of Class-D category, and also issued the false appointment letter.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, the only role attributed to the her is that, on the say of her husband, the complainant has transferred the amount of Rs. 10,000/- in her account. Except for this allegation, there is no specific

role attributed to the present applicant and therefore, her custodial interrogation is not required.

4. Whereas, learned APP submitted that the present applicant was very well aware about the money which was transferred to her, and was aware that her husband had promised the complainant to provide the job and on that pretext, the amount was accepted and transferred to her account. She has not cooperated with the investigating agency and therefore, her custodial interrogation is required.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. On perusal of the investigation papers, it reveals the FIR is lodged on the basis of the report lodged by Mohanrao Narayanrao Karhe, on an allegation that the applicant and her husband approached him and promised to provide a job to his son, and obtained the amount of Rs. 5,00,000/-. It is alleged that out of that amount, an amount of Rs. 10,000/- was transferred on the say of the co-accused in the account of the present applicant. Thus, it reveals only the role attributed to the present applicant is that on the say of her husband, the complainant has deposited the amount of Rs. 10,000/- in her account. Now, the investigation officer has already collected the details of her account, as far as the custodial interrogation is concerned, which is not required. In view of that, the ad-interim protection granted to the

present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] In the event of her arrest, in connection with Crime No. 709/2018 registered with Police Station Mahagaon, District Yavatmal for the offence punishable under Sections 420, 468, 469, 471 read with Section 34 of the Indian Penal Code, 1860, the applicant – **Sangita Sadanand Swami**, shall be released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station as and when required for investigation purpose and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]