



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

CRIMINAL APPLICATION (BA) NO. 626 OF 2024

Monika Shailesh Choudhari

Vs.

State of Maharashtra, Thru. PSO, PS Kalmeshwar, Dist. Nagpur.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.A. Dhawas, Advocate for applicant.
Mr. K.R. Lule, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 24.07.2024

The applicant came to be arrested on 09.06.2024 in connection with Crime No.325/2024 registered with Police Station Kalmeshwar, District – Nagpur, for the offence punishable under Sections 406, 420, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.

2. The applicant who is serving as a ZP Teacher and wife of co-accused Shailesh Choudhari.

3. The informant Nitesh Pandhari Jitkit, resident of Borgaon (Khurd), Tah. Kalmeshwar, District – Nagpur, has lodged report at the Police Station alleging that in the year 2022, Sachin Yawalkar met him and insisted to invest money in Ecoranj Green Energy Solution Private Limited Company on 3% interest on one month. The informant had been to be the Directors of the said company and the husband of the present applicant was one of the Director. After being convinced, he has invested the amount of Rs.26,40,000/- for some days he received some benefits but, thereafter, he had not received the principal amount also. As he was duped by the Directors of the said company, he lodged the report against the co-accused.

4. Mr. Dhawas, learned counsel for the applicant submitted that as far as the present applicant is concerned, she is serving as a ZP Teacher, she is not the office bearer of the said company or no role is played by her either in the investment or obtaining the amount. Only role attributed to her that some amount was transferred by her husband in her account and she has purchased one plot but the same was purchased by her by obtaining the loan. She has purchased four

wheeler also by obtaining the loan. Except the statement of one witness namely Leena Devidas Pulavi which shows that she has handed over the documents to the husband of the present applicant on the say of the present applicant which was misused by the co-accused for siphoning the amount. No other role is attributed to her. Now the investigation is already completed and charge-sheet is yet to be filed, further incarceration of the present applicant is not required, therefore, she be released on bail.

5. Learned APP strongly opposed the said application on the ground that during investigation it reveals that the present applicant has used the amount which was transferred into her account to purchase the properties. Moreover, the statement of one of the witness shows that on her inducement, she has handed over the documents to the husband of the present applicant which are used by the husband of the present applicant to siphon the amount. Thus, prima facie case is made out against her and therefore, the application deserves to be rejected.

6. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which, it reveals that the applicant is arraigned as an accused as she is the wife of office bearer of the company namely Ecoranj Green Energy Solution Private Limited Company wherein the informant has invested the amount. During investigation the statement of one Leena was recorded by the investigating officer which only refers the name of the present applicant in her statement and role assigned to the present applicant that on the say of the present applicant said Leena has handed over the documents to the husband of the present applicant, which was misused by him and some amount was transferred in the account of said Leena was siphoning the amount. Except this there is no single statement to show that present applicant either accepted the amount of investment or induced any of the investors to invest the amount. As far as the purchase of the property is concerned, the evidence collected by the investigating agency shows that she is serving as a ZP Teacher and obtained the loan and purchase the plot. Thus, there is no substance in the contention on him. Learned APP that the property was purchased by the present applicant from the amount which is collected by

husband from the investors. Thus, as far as the role of the present applicant is concerned which is not sufficient to attract the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code. Considering the limited role attributed to the present applicant, further incarceration is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

(a) Application is allowed.

(b) The applicant shall be released on bail in connection with Crime No.325/2024 registered with Police Station Kalmeshwar, District – Nagpur, for the offence punishable under Sections 406, 420, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, on executing PR bond of Rs.25,000/- with one surety in the like amount.

(c) The applicant shall attend the trial court without seeking any exemption unless there are exceptional circumstances.

(d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

7. The criminal application is disposed of.

(SMT. URMILA JOSHI PHALKE, J)