



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

CRIMINAL APPLICATION (ABA) NO. 773/2023

Sau. Jaswanda w/o Pankesh Gedam V/s State of Maharashtra , thr. PSO PS
Dhanora, Tq. Dhanora, District Gadchiroli.

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

Court's or Judge's Order

Mr. A.Y. Sharma, counsel for applicant.

Mr. A.G.Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/01/2024.

1. By this application, the applicant is seeking pre-arrest bail, in the event of his arrest, in connection with Crime No. 93/2023 registered with Police Station Dhanora, District Gadchiroli, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of police, as accusations against her is made on the basis of report lodged by Jyoti Darwade, on an allegation that the co-accused induced her to invest the amount in the company by name Tradewin and accordingly, took her at the house of present applicant and the present applicant also induced her for investment of the amount. Accordingly, she has deposited the amount in the account of co-accused Varsha. But, after depositing the said amount, she has

not received any amount and the amount also not returned to her. Thus, she has duped by the present applicant and other co-accused.

3. The learned counsel for the applicant submitted that as far as the allegation in the FIR are concerned, it is against the co-accused Varsha, who has obtained the money. Only allegations against the present applicant is that, the said co-accused brought the informant at the house of the present applicant, and the present applicant has also asked her to invest the amount. The allegation nowhere shows that the amount was handed over or deposited in the account of the present applicant. Thus, custodial interrogation is not required. She has cooperated with the investigating agency after the interim protection is granted to her. In view of that, interim protection granted in her favour be confirmed.

4. The learned APP strongly opposed the present application on the ground that along with co-accused, the present applicant has also induced the informant to invest the amount. Accordingly, the informant has invested the amount and not received any returns. Thus, prima-facie role is played by the present applicant. In view of that, criminal application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the information papers. The recitals of the FIR and the statements of various witnesses recorded during the investigation, shows that only role is attributed to the co-accused brought the informant at her house and the present applicant also asked her to invest the amount. Admittedly, no amount is deposited in the account of the present applicant but it is deposited in the account of the co-accused.

6. Thus, except the allegation that informant was brought at the house of the present applicant, and the present applicant also asked her to deposit the amount. No other role is attributed to the present applicant. Therefore, custodial interrogation is not required. The offence alleged is punishable with imprisonment less than seven years. The arrest of the present applicant is not required and no reasons are forwarded before this Court showing the necessity of the arrest of the present applicant. In view of that, interim protection granted in favour of the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

- a. The criminal application is **allowed**.

- b. The applicant –Sau Jaswanda w/o Pankesh Gedam be released on anticipatory bail, in the event of her arrest, in connection with Crime No. 93/2023 registered with Police Station Dhanora, District Gadchiroli, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860, on executing PR. Bond in the sum of Rs. 25,000/- with the one solvent surety in the like amount.
- c. The applicant shall attend the concerned Police Station as and when required and shall co-operate 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]