



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.401 OF 2024**

1. Manisha Praful Nikam
Age: 32 years, Occu: Household,
R/o; Tiranga Nagar, Ambegaon Pathar,
Opposite Silver Park-2 Society,
Katraj, Pune.
2. Sunita Chandrakant Kale,
Age: 55 years, Occu: Household
R/o: Jalmandir Niwas, Savargaon,
Taluka Kallam, District Osmanabad. ..Applicants

Versus

1. State of Maharashtra,
Police Station Officer,
Georai Police Station, Taluka Georai,
District Beed.
2. The Superintendent of Police, Beed. ..Respondents

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Mr. S. S. Bora, Advocate for the Applicants.
Mr. V. S. Badakh, APP for Respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 10th JANUARY, 2025.
PRONOUNCED ON : 17th JANUARY, 2025.

ORDER:-

1. The applicants seek pre-arrest bail in connection with Crime No.391/2023 registered with Georai Police Station, Dist. Beed for the offences punishable under Sections 406, 409, 420, 120-B, 477-A of the Indian Penal Code and Section 447 of the Companies Act and Sections 3 and 4 of the M.P.I.D. Act.
2. Mr. Mahesh Makal lodged report to the police station alleging that he was acquainted with Dr. Vasant Dabhade-accused

no.2. He visited house of informant in the month of April alongwith accused Ajit Kale, Chairman of Shrimantiyogi Urban Nidhi Limited, Georai. Dr. Vasant Dabhade told that Ajit Kale is influential person and helped many to secure Government job. The informant was lured to pay amount of Rs.18,00,000/- to accused Ajit Kale for securing employment for the informant's wife in the Health Department. However, under the pretext of Covid situation and stoppage of recruitment by Government, inability was shown to provide employment as agreed. In lieu of amount that was advanced by the informant, some cheques were issued, which were ultimately dishonoured. The informant approached police station and lodged report against accused persons. Many other victims of fraud by the accused persons had approached the police station. It was revealed that amount of Rs.90,00,000/- has been received by accused from the victims. The informant is duped of the amount of Rs.13,00,000/- by accused persons in connivance with each other.

3. Consequently, Crime No.391/2023 has been registered. On completion of investigation, charge-sheet no.300/2023 has been filed in Special Court.

4. The role of the applicant is described in charge-sheet. It is alleged that applicant no.1-Manisha is sister and applicant no.2-Sunita is mother of main accused Ajit Kale and Directors of Shrimantiyogi Urban Nidhi Limited, Georai. It is alleged that

applicant no.1 has received cash amount of Rs.1,00,050/- from Bank. During the course of investigation it is revealed that applicants lured depositors to invest in Bank with assurance of exponential returns.

5. Mr. Bora, learned Advocate appearing for the applicants submits that applicants have been granted interim protection vide order dated 13.03.2024. The applicants attended concerned police station as directed by this Court and co-operated with the investigation. He would further submit that other accused persons, who were attributed similar role in commission of offence have been already enlarged on pre-arrest bail vide order dated 02.11.2023 in Anticipatory Bail Application No.1452/2023 with connected matters. The applicants are ladies. Their custodial interrogation is not necessary.

6. The learned APP strongly opposes prayer for grant of pre-arrest bail on the ground that applicants are Directors of Bank, so also witnesses sitpulate their role in day to day affairs and business of the Bank.

7. Having considered submissions advanced, it is apparent that main role is attributed against accused Ajit Kale, Chairman of Shrimantyogi Urban Nidhi Limited that he lured victims to pay amount under the pretext of providing Government job. There is

no allegation against applicants that they were involved in any activity that lured victims to pay amount under assurance of job. The applicants' role is attributed only in relation to the business of Bank. Except allegation that amount of Rs.1,00,050/- has been withdrawn by applicant no.1 in cash from the Bank account, no specific role has been brought on record against her. The investigation in the matter is already completed and charge-sheet is filed. The applicants were granted interim proection putting certain conditions. There is no allegation that they have breached any such condition. In that view of the matter, custodial interrogation of the applicants would not be necessary. Only because main accused is related to applicants, their role cannot be distinguished from the accused persons, who are granted proection of pre-arrest bail in Anticipatory Bail Application No.1452/2023 with connected matters. In that view of the matter, case is made out to grant pre-arrest bail to the applicants. Hence, following order:

ORDER

- (i) Anticipatory Bail Application is allowed by confirming order dated 13.03.2024.
- (ii) In the event of arrest of applicants, Manisha Praful Nikam and Sunita Chandrakant Kale in connection with Crime No.391/2023 registered with Georai Police Station, Dist. Beed for

the offences punishable under Sections 406, 409, 420, 120-B, 477-A of the Indian Penal Code and Section 447 of the Companies Act and Sections 3 and 4 of the M.P.I.D. Act, shall be released on bail on furnishing PR bond of Rs.25,000/- (Rs.Twenty Five Thousand only) each with one surety in the like amount.

(iii) They shall attend concerned police station as and when required.

(iv) They shall not contact the witnesses directly or indirectly or influence them in any manner.

(v) They shall not tamper with evidence and co-operate the investigating agency for further investigation.

(vi) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE