



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

916 BAIL APPLICATION NO. 916 OF 2025

Archana Prabhakar Patil Alias Archana Ravindra Patil

VERSUS

The State Of Maharashtra

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Mr. Rajendrreea Deshmukh, Senior Advocate, a/w Nilanjan Pande i/by
Mr. Sagar Chitre, Advocate for the applicant
Mr. S. B. Narwade, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 16.10.2025

PER COURT :-

1. Heard.

2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.44 of 2025, registered at Jalgaon (City) Police Station, District Jalgaon, for the offences punishable under Sections 318(4), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned advocate for the applicant pointed out the report in which the informant averred that she is serving as a Police Constable in the Jalgaon District police Department. From the year 2017 to 2024, she was posted at the MIDC Police Station, Thane, where the applicant Archana Patil, was also serving as a Lady Police Constable. During

their posting together, a friendship developed between them. In the year 2022, the applicant told the informant about a scheme that offered good financial returns. The applicant told the informant that gold prices were rising daily and that she herself had earned substantial profits by investing in gold. She further stated that certain goldsmiths, namely, Manik Johari, Jitu Jain, Mayur Wani, and Mahavir Jewellers, were purchasing gold at low rates from Dubai and selling it at higher rates in India. The applicant also claimed that several police officials had invested money in this scheme on her advice and had earned considerable profits. Convinced by her representations, the informant started giving money to the applicant for investment in the said gold scheme. The applicant initially returned higher amounts within a few days, thereby gaining the informant's confidence. It is alleged that the informant paid a total sum of Rs.20,00,000/- to the applicant and her relatives, both in cash and through online transfers. The applicant also approached the informant's friend, Vaishali, for similar gold investments. Consequently, Vaishali transferred a total amount of Rs.10,00,000/- from her savings account to the applicant, her friend Mirkhan Nurkhan Tadvī, and his sister's son, Vijay Ratilal Pawar. Thereafter, on 26.01.2025, when the informant and Vaishali visited the applicant's residence to demand the return of their invested money, the applicant's mother, Kalpana Patil, told them that her daughter had been

terminated from service and would not be able to return any amount. She further stated that if anything happens to her daughter's life, the informant and Vaishali would be held responsible. Thereafter, the report was lodged.

4. The learned Advocate for the applicant submitted that the applicant is a lady and has been falsely implicated in the crime. The applicant has roots in the society and she will not flee away from the trial. It is submitted that even if the allegations were made against the applicant, it has not been alleged that she had forced the informant or her friend to make such investments. The charge sheet has been filed and further custody of the applicant is not necessary. The trial will take a long period. It is prayed to grant bail to the applicant.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime. It is alleged that she has cheated several persons of a huge amount, including investors belonging to the labour class. The total cheating amounts to several crores of rupees. If the applicant is released on bail, she will certainly pressurize the prosecution witnesses and tamper with the evidence. The learned APP prayed to reject the application.

6. Perused the charge sheet, particularly the report and the statements of witnesses. The applicant is involved in a serious crime of cheating of crores of rupees not only from the informant but also from several other investors. The applicant was serving as a Police Constable. The allegations against the applicant are supported by the agreements executed by her and the cheques issued by her. Considering her serious role in the crime, if she is released on bail, she will certainly pressurize the prosecution witnesses and tamper with the evidence. The Hon'ble Supreme Court in the case of ***Neeru Yadav Vs. State of Uttar Pradesh and Another, 2015 DGLS(SC) 942***, has held in paragraphs 11, 15, 16 and 17 as under:

11. *It is a well settled principle of law that while dealing with an application for grant of bail, it is the duty of the Court to take into consideration certain factors and they basically are, (i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and (iii) Prima facie satisfaction of the court in support of the charge. [See Chaman Lal v. State of U.P.[(2004) 7 SCC 525]]*

15. *This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such*

crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightening having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner.

16. *In this regard, we may profitably reproduce a few significant lines from Benjamin Disraeli-*

"I repeat..... that all power is a trust-that we are accountable for its exercise- that, from the people and for the people, all springs, and all must exist."

17. *That apart, it has to be remembered that justice in its conceptual eventuality and connotative expanse engulfs the magnanimity of the sun, the sternness of mountain, the complexity of creation, the simplicity and humility of a saint and the austerity of a Spartan, but it always remains wedded to rule of law absolutely unshaken, unterrified, unperturbed and loyal.*

7. In such circumstances, considering the aforesaid facts with reasons and in view of the law laid down by the Hon'ble Supreme Court in the case of ***Neeru Yadav Vs. State of Uttar Pradesh*** (supra), the application deserves to be rejected, as the case is not made out for granting bail on the principle that bail is rule and jail is exception. The Bail Application is rejected.

[SANJAY A. DESHMUKH, J.]