IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

49 ANTICIPATORY BAIL APPLICATION NO. 2148 OF 2023

Manisha Hanumant Shinde
VERSUS
The State Of Maharashtra
...
Advocate for Applicant : Mr. D. R. Kale h/f Mr. Bodkhe Patil Umesh
APP for Respondents-State: Mr. A. A. A. Khan
...

CORAM : ARUN R. PEDNEKER, J.
Dated : February 10, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.266/2023, dated 04/11/2023, registered at Jawaharnagar Police Station, Aurangabad, District Aurangabad, for the offences punishable under sections 406, 420 of the Indian Penal Code and under Section 3, 4 of the Maharashtra Protection of Interest of the Depositors (in financial establishment) Act, 1999.

3. This Court, by order dated 12/01/2024, granted protection to the applicant. Thereafter, the applicant attended the concerned police station.

4. The learned Counsel for the applicant submits that the applicant's husband was running a firm under the name and style of "MH Trading Company," which deals in the share market. The applicant's husband used to accept funds and invest them in share trading. It is further

submitted that the applicant received an amount of Rs. 10 lakh from her husband between 2021 and 2023 for her personal expenses and the children's needs and that she did not receive any amount directly from the depositors. The learned Counsel also contends that the applicant is facing financial difficulties and has no role in the present FIR.

5. The learned APP submits that there were transactions from the MH Trading Company's account, transferring approximately Rs. 10 lakh to the applicant’s account. He further states that, as per the complaint, the applicant assured the informant that if the investment is made in the company they would receive good returns.

6. Considering rival submissions, this Court has granted interim protection to the applicant by order dated 12/01/2024. The applicant has not received any investment amount directly, and the total amount received by her from the husband is not substantial and it is possible that the amount transferred to her was for her maintenance. In the present case, MH Trading Company is alleged to have defrauded investors of approximately Rs. 1.55 crore, which remains unpaid. However, given that the applicant did not receive any funds directly from the investors, the interim protection granted to her is confirmed.

7. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.266/2023, dated 04/11/2023, registered at Jawaharnagar Police Station, Aurangabad, District Aurangabad, for the offences punishable under sections 406, 420 of the Indian Penal Code and under Section 3, 4 of the Maharashtra Protection of Interest of the Depositors (in financial establishment) Act, 1999, she shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and

the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.