

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1491 OF 2024

Surekha Shriram Garde	.. Applicant
Versus	
State Of Maharashtra	.. Respondent

WITH
INTERIM APPLICATION NO. 3218 OF 2024
IN
BAIL APPLICATION NO. 1491 OF 2024

Amit Goyal	.. Applicant
Versus	
State Of Maharashtra	.. Respondent

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- Mr. Ganesh K. Sovani, Advocate for Applicant.
 - Mr. Harshad Sathe a/w Mr. Harshavardhan G. Khambete and Ms. Ankita Pawar, Advocates for Applicant in IA No. 3218 of 2024.
 - Mr. D.M. Lengare, API, Kasarwadi Police Station, Thane.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 23, 2025

P. C.:

- 1.** Heard Mr. Sovani, learned Advocate for the Applicant and Mr. Sathe, learned Advocate for Applicant in IA No. 3218 of 2024.
- 2.** Applicant - accused has filed the present Application for regular bail in connection with Crime No. 0180 of 2023 registered with Kasarwadi Police Station under Sections 420, 406, 417, 423, 504, 506 read with 34 of Indian Penal Code and under Section 3 of the

Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. The Applicant before me is one of the Accused. According to learned Advocate for Applicant, the principal accused is her husband who had induced the Complainant to make substantial investments. However, *prima facie* perusal of the FIR which is at Page No.53 of the Application i.e. from the contents of FIR it is clearly seen that an amount of approximately Rs. 70,00,000/- was received by the Applicant in her account intermittently during 2020-2021. FIR also records the returns which were received by the Complainant once again intermittently during the same period and albeit a little later thereon also to the tune of Rs. 22,15,000/-. The case of the complainant is that this amount was received towards interest quotient in view of the agreement between the parties, *inter alia*, pertaining to the investments. The FIR also records certain agreements MOUs between the parties which were entered into.

4. One of the principal submission advanced by the learned Advocate for Applicant is that in view of these facts this *prima facie* appears to be a civil dispute and the Complainant has approached the law enforcement agencies and invoked criminal action which is unwarranted. *Prima facie* I disagree with the this submission primarily because on reading of the FIR it is clearly seen that the inducement

was made by the Principal Accused i.e. Accused No.1 to the Complainant which is brought out without any documentation. That apart an amount of Rs. 70,00,000/- was received in the bank account of the Applicant was against the Applicant. Considering the overall issue I have impressed upon the learned Advocate for Applicant to show her *bonafide*.

5. Learned Advocate for the Applicant seeks time to take instructions and apprise the Court accordingly. He would persuade the Court to grant some time so that the son of the Applicant will consult the other family members and relatives also and thereafter apprise the Court. Time is granted. It will be open for the Applicant to show her *bonafides* failing which this Court is not inclined to consider this Application.

6. Stand over to 12th February, 2025 (F.O.B.).