IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1275 OF 2024

Shefali Tiwari Bhargawa …Applicant
Versus
The State of Maharashtra …Respondent

WITH

INTERIM APPLICATION NO.2042 OF 2024

IN

ANTICIPATORY BAIL APPLICATION NO.1275 OF 2024

Purnima Milind Kothari …Applicant
Versus
The State of Maharashtra …Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1220 OF 2024

Tanmay Sharma …Applicant
Versus
The State of Maharashtra …Respondent

Mr. Gautam Khobragade i/b. Mr. Pradyumna Sharma, for the Applicant in ABA/1275/2024.
Mr. Rushil Alag i/b. Mr. Anil G. Lalla, for the Applicant in ABA/1220/2024.
Mr. Abid Mulani (through Video Conferencing) a/w. Ms. Harshada Parbhane, for the Applicant/Intervenor in IA/2042/2024.
Ms. S. M. Yadav, APP, for the Respondent-State.
Mr. Lamkhade, API, Yerwada Police Station, Pune City, Pune.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th DECEMBER 2025

PC:-

1. Heard Mr. Gautam Khobragade, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.1275 of 2024 and Mr. Rushil Alag, learned Counsel appearing for the Applicant in Anticipatory Bail Application No.1220 of 2024, Mr. Abid Ansari, learned Counsel appearing for the Intervenor and Ms. Yadav, learned APP for the Respondent-State.

2. This application is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in connection with C.R. No.829 of 2023 registered with Yerwada Police Station, Pune City, Pune for the offences punishable under Sections 403, 406, 415, 420, 500 read with 34 of the Indian Penal Code, 1860.

3. The Applicant-Shefali Tiwari Bhargawa in Anticipatory Bail Application No.1275 of 2024 is accused No.1 and the Applicant-Tanmay Sharam in Anticipatory Bail Application No.1220 of 2024 is accused No.2.

4. The prosecution case is set out in paragraph No.3 of the order dated 10th April 2024 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.7807 of 2023 filed by the Applicant -Shefali Tiwari Bhargawa, which reads as under:

"*3] It is the story of the State that the informant by name Pornima Milind Kothari and her son by name Chirag were running the institute by name "IT School" for teaching the foreign languages. In the year 2016 the applicant accused was working as a principal in the C.P. Goyanka International School,Shastrinagar Chowk, Yerawada, Pune. In her school, the applicant accused wanted to run the classes of foreign languages. Hence, the applicant accused contacted with Chirag and made the agreement with him to teach the French language in the C.P. Goyanka School for the year 2016-2017 and 2017-2018. Due to this, the good relations developed between Chirag and the applicant accused. In August 2019, the applicant accused and co-accused Tanmay Sharma met to the informant. At that time the applicant accused introduced Tanmay Sharma as her husband. The applicant accused and co-accused stated to the informant and Chirag that the C.P. Goyanka School was transferred to Wagholi. Therefore, the premises of the said school at Shastrinagar became vacant. The said premises belongs to Shri. Manoj Dhoka and it was in the prime locality. The applicant accused stated to the informant and her son Chirag that the applicant accused has the experience to run the school. She is the trustee of Auyshamati Trust. Hence, the applicant accused proposed to set up a new school by name the Canary High International School in the said previous premises of the C.P. Goyanka International School. The applicant accused and co-accused Tanmay Sharma assured that after establishing the school, they would earn much profit within one to three years. Several meetings were held between the applicant accused and co-accused on one side and the informant and her son on other side. It was decided that the informant would invest 35%, her son would invest 35% and the applicant accused would invest 30% of amount in setting up that school. As the applicant accused had vast experience, she would share 50% profit and the informant and her son would share 50% profit jointly. The applicant accused and co-accused submitted project report about as to how the profit would be earned. The applicant* *accused pretended that the Canary High International School was registered and all the permissions to run the school were taken. On relying upon the representation made by the applicant accused and co-accused, the informant and her son became ready to invest the amount to set up the school. The informant invested the total amount of Rs. 1,17,67,579/-. In March 2019, the admission of the students were started in the said school. But due to COVID 19 pandemic, the school was started online in the year 2020-2021. The informant asked the applicant accused to make her the member of Aayushamati Trust and give her the account and expenditure of the said school. The applicant accused stated that the said trust belongs to her family and, hence, the informant could not be made the member of the same. Therefore, it was decided to form the limited liability partnership (LLP) in the name of the applicant/accused, informant and her son Chirag. Accordingly the said LLP was formed. As the informant invested huge amount, she demanded the account of their partnership, but the same was not given. In June 2022, the informant came to know the news in the news paper, Pune Mirror to the effect that the said Canary International School was unauthorized. Therefore, the informant was shocked. She asked about the same to the applicant accused. At that time, the applicant accused stated her that she belongs to only Aayushamati Trust and the permission in respect of Canary High International School was to be obtained and for that purpose, the expenditure of Rs.40,00,000/- to 50,00,000/- was to be done. She demanded the said amount from the informant. The informant stated that she had no such amount. The informant demanded all the account upto July 2022, but the applicant accused declined to give the same on the pretext that the informant was only the investor and she has no right to demand the accounts. Therefore, the dispute arose between the informant and the accused. At that time the applicant accused and co-accused Tanmay Sharma stated to the informant that they would search another investor and return the amount of informant and her son. The applicant accused also had drawn her salary of Rs.*

> *1,25,000/- since April 2022 as against the agreement of LLP.. The applicant accused also misappropriated the amount of said school kept in the South Indian Bank in the name of Ayushamati Trust. So also, the applicant accused, on her own accord, closed the school and sold the articles of the schools without taking any permission of the informant and her son. As such, the applicant accused dishonestly cheated the informant and her son and also misappropriated the amount.*"

5. It is the contention of learned Counsel appearing for the Applicants that a learned Single Judge by order dated 20th June 2024 has protected the Applicant-Shefali Tiwari Bhargawa by interim order and the said protection continues till date. As far as the Applicant-Tanmay Sharma is concerned, he has been protected by a learned Single Judge by interim order dated 3rd May 2024. Both the learned Counsel submit that charge-sheet has already been filed and therefore, the said protection be continued.

6. On the other hand, Ms. Yadav, learned APP appearing for the Respondent-State and Mr. Mulani, learned Counsel appearing for the Intervenor strongly oppose the Anticipatory Bail Applications. Both of them submit that the Applicants are involved in the crime and therefore, the Anticipatory Bail Applications be rejected.

7. Perusal of the record shows that the Applicant-Shefali Tiwari Bhargawa has been protected by order dated 20th June 2024 passed by a learned Single Judge and the Applicant – Tanmay Sharma has been protected by learned Single Judge by order dated 3rd May 2024. The said protection continues till date. The charge-sheet has already been filed on 2nd December 2024. Thus, the investigation has been completed.

8. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Shefali Tiwari Bhargawa (in Anticipatory Bail Application No.1275 of 2024) and the Applicant-Tanmay Sharma (in Anticipatory Bail Application No.1220 of 2024) in connection with C.R. No.829 of 2023 registered with Yerwada Police Station, Pune City, Pune, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.1,00,000/- each with one or two solvent sureties each in the like amount.

(b) The Applicants shall attend Yerwada Police Station, Pune City, Pune, on every Sunday between 11:00 a.m. to 01:00 p.m. till conclusion of trial and shall co-operate with the investigation.

(c) The Applicants shall furnish their cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicants shall not leave India without prior permission of the Court.

9. The Anticipatory Bail Applications are disposed of accordingly.

10. In view of the disposal of the Anticipatory Bail Applications, nothing survives in the Interim Application and the same is also disposed of.

SONALI MILIND PATIL Digitally signed by SONALI MILIND PATIL Date: 2025.12.20 15:28:46 +0530

[MADHAV J. JAMDAR, J.]