

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2665 OF 2024

Shilpa Sachin Punde and Anr.

.. Applicants

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Jai Bharat Tiwari, Advocate for Applicants.
 - Mr. Sukanta A. Karmakar, APP for Respondent No.1 – State.
 - API – Mr. Nisrad, Bazarpeth Police Station, Kalyan.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 14, 2025.

P.C.:

1. Heard Mr. Tiwari, learned Advocate for Applicants and Mr. Karmakar, learned APP for Respondent No.1– State.

2. This is an Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with FIR No.428 of 2024 registered with Bazarpeth Police Station, Kalyan for the offences punishable under Section 3(5), 316(2), 318(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023. Applicant No.1 is wife and Applicant No.2 is husband before me.

3. Complaint is filed by Respondent No.2 i.e. Complainant namely Jairaj Sadanand Sawant stating that one person called Mr. Rajesh Jadhav convinced the Complainant that present Applicants are running a profit-making investment scheme and if the Complainant

invested Rs.10,000/- with them, he would get a handsome return. In the first week of July 2023 Complainant met the Applicants when they suggested to the Complainant to invest in their scheme. Complainant understood the scheme and deposited Rs.5,00,000/- with the Applicants. On and from July 2023 to June 2024, Complainant received Rs.7,500/- every month being the installment of the profit against his investment.

4. According to the complaint, it is seen that Mr. Rajesh Jadhav, who was introducer thereafter met the Complainant at Nahur Railway Station and threatened to push him below the train if he insisted on demanding back his money and told him to forget the said amount. It is alleged that when Complainant went to demand his money, Applicant No.1 told him to forget his money and threatened to file case of molestation against the Complainant, if he kept demanding his money back.

5. However, no such details are seen from the record of the case. My predecessor (Coram: R.N. Laddha, J.) passed order dated 27.09.2024 eliciting cooperation of the Applicants in investigation. Further in order dated 23.10.2024 it is recorded that Applicants have cooperated with the investigation. If the Complainant has indeed given any amount to the Applicants at the behest of the said Mr. Rajesh Jadhav, all that is required is to unearth and trace is the said amount

by the Investigating Agency.

6. From the above, in my opinion, custodial interrogation of the Applicants is not necessary for any reason as can be seen by me. Applicants have no criminal antecedents whatsoever.

7. The fact that Complainant himself states that he received handsome returns every month for a period of 12 months after the investment requires consideration. The alleged threat given to the Complainant is not by the Applicants but by Mr. Rajesh Jadhav.

8. It appears that cross Complaints and FIRs have been filed *inter se* with respect to happenings at the work place where Applicant No.1 used to go to work where the Complainant was working as a Clerk-cum-Typist.

9. In view of the above observations, custodial interrogation of the Applicants is not required.

10. In view of the above observations, Anticipatory Bail Application stands allowed in terms of prayer clause (a).

11. In view of the facts of the case, interim protection is granted on the following terms and conditions:-

- (i) In the event of the arrest, Applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount;

- (ii) Applicants shall report to the Investigating Officer of the Bazarpet Police Station, Kalyan, twice a month on the first and third Monday of every month between 12:00 a.m. to 12:00 noon in the first instance and thereafter as and when called for by the Investigating Officer alongwith the requisite information / documents;
- (iii) Applicants shall furnish particulars of their address and mobile numbers to the Investigating Officer within two days from today;
- (iv) Applicants shall not misuse their liberty in any manner or influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence;
- (v) It is directed that Applicants shall extend complete cooperation in the investigation of the instant case; and
- (vi) Any infraction of the conditions shall entail revocation of this order.

12. Parties to act on a server copy of this order.

13. Anticipatory Bail Application is allowed and disposed in view of the above terms.

[MILIND N. JADHAV, J.]

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by AJAY
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