IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.3336 of 2024

Kalvinder Raju Mandal
Age 36 years, Occ. Business,
Indian Inhabitant, Residing at
A-104, Om Siddhi CHS Ltd.,
Sector 8, Plot No.9, Charkop,
Kandivli (W), Mumbai – 67.
And also at – Unit No.7,
Mayur Nagar, Devipada,
Aarey Milk Colony,
Near Shivsena Bhavan,
Goregaon (W), Mumbai – 063. … Applicant

versus

State of Maharashtra
through the Senior Police Inspector
Unit -3, (J.Chi.1) Economic
Offences Wing, Mumbai. … Respondent

Mr SB Tiwari, for the applicant.
Mr Yogesh Y Dabke, APP, for respondent / State.
API Kalidas Surve, Unit 3, G.C.-1, EOW, Mumbai.

Coram: R.N. Laddha, J.
Date: 10 June 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.147 of 2019, registered at Byculla Police Station, Mumbai, for the offences punishable under Sections 409, 406, 420, 465, 467, 468, 471, 411 and 414 read with 120B of the Indian Penal Code. Subsequently, the case was transferred to the Economic Offences Wing (EOW), Unit-III, General Cheating-1, Mumbai, and re-numbered as CR No.39 of 2019.

2. The prosecution alleges that from December 2018 to February 2019, the Mumbai Lokhand and Polad Kamgar Mandal ('the Mandal') deposited Rs.45,00,00,000/- across seven fixed deposits with the Mazgaon Circle Branch of the State Bank of India ('SBI') at Mumbai. These deposits accrued interest at an annual rate of 6.75%, with maturity dates ranging from December 2020 to February 2021. However, in 2019, after encountering issues with fraudulent fixed deposit receipts from other banks, the Mandal resolved to withdraw its funds from SBI. A subsequent inquiry uncovered that Rs.36,00,00,000/- had been withdrawn before maturity, facilitated by forged documents. Despite numerous requests, SBI did not return the misappropriated funds, resulting in the filing of the present crime. The investigation further revealed that the embezzled funds were transferred to multiple individuals and entities, including the applicant. It is further

alleged that the applicant, a proprietor of Simran Arts, received a total of Rs.1,91,25,000/-, of which Rs.94,75,000/- were credited to her Yes Bank account and Rs.96,50,000/- were received in her Bharat Bank account. The applicant further transferred Rs.1,34,00,000/- to Pihu Enterprise and utilised the balance amount of Rs.57,25,000/- for personal use.

3. Mr SB Tiwari, the learned Counsel appearing on behalf of the applicant, contends that the applicant has been falsely implicated in the present crime. He explains that in 2018, a friend of the applicant's husband, Kishor Yadav, approached her for her bank account details, as he needed them to fill out a tender and didn't have a current account of his own. Acting in good faith, the applicant provided him with the required information. Subsequently, a sum of Rs.2,00,00,000/- was transferred to her bank account. Following this, Kishor Yadav asked the applicant to transfer the funds to Kusum Enterprise and Pihu Enterprise, which the applicant complied with. The learned Counsel submits that the applicant was neither aware of the nature of these funds nor involved in the alleged crime. The applicant is ready and willing to abide by any conditions that the Court imposes if released on bail.

4. Conversely, Mr Yogesh Dabke, the learned Additional

Public Prosecutor representing the respondent/ State, opposes the applicant's plea for pre-arrest bail. He argues that the applicant is a direct beneficiary of the misappropriated funds and highlights that out of the embezzled sum of Rs.36,00,00,000/-, the applicant received Rs.1,91,25,000/-. Of this amount, Rs.1,34,00,000/- was transferred to Pihu Enterprise, while the remaining Rs.57,25,000/- was withdrawn by the applicant for personal benefit. The learned APP submits that a charge sheet has been filed against the co-accused, and further investigation is in progress. The applicant's custodial interrogation is essential to trace the flow of money and identify those involved in the crime. If pre-arrest bail is granted, there is a significant risk that the applicant may tamper with evidence or influence witnesses.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. It is a settled position in law that granting pre-arrest bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant anticipatory bail.

There is no straitjacket formula. Caution is necessary, as granting protection in serious cases could potentially hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. These aspects are highlighted in *Srikant Upadhyay v. State of Bihar*[1].

7. Upon perusing the records, it appears that the applicant stands as a direct beneficiary of the misappropriated funds in question. She received a significant sum of Rs.1,91,25,000/- through two distinct transactions. The first tranche, amounting to Rs.94,75,000/-, was deposited into her Yes Bank account, while the second tranche, totalling Rs.96,50,000/-, was credited to her Bharat Bank account. Following the influx of these substantial amounts, the applicant promptly transferred a colossal amount of Rs.1,34,00,000/- to Pihu Enterprise, suggesting her potential involvement in manoeuvring the embezzled funds. Additionally, the applicant withdrew the remaining Rs.57,25,000/- for personal use. Although the applicant asserts that she was oblivious to the fund's origins and claims to have been misled by Kishor Yadav, the records reveal no evidence that she filed any formal complaints regarding this matter. This lack of action raises doubts about her claims and the overall circumstances surrounding the transactions. The

[1] 2024 SCC OnLine SC 282

misappropriation and embezzlement of public funds, or the act of receiving such ill-got gains, poses significant harm to society and has far-reaching consequences beyond mere financial loss, which affect not only public trust but also the integrity of government-run institutions. Investigating such crimes, especially aspects of layered transactions and concealed beneficiaries, requires utmost seriousness and diligence.

8. *Prima facie,* the material on record discloses reasonable grounds to suggest the applicant's complicity. Further investigation is ongoing, and the applicant's custody would be necessary to unearth the fraud in all its facets. In the totality of the circumstances, this Court finds it difficult to comprehend the applicant's assertion of non-involvement in the alleged crime. At this stage, granting the applicant pre-arrest bail may hinder the progress of an effective investigation. As a result, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the application stands rejected.

9. It is clarified that the observations made herein are *prima facie* only for determining the applicant's entitlement to pre-arrest bail.

(R.N. Laddha, J.)