

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 116 OF 2025

Tina Jagdish Chauhan

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Sagar Kasar a/w Mr. Raj Chourasia, Ms. Chaitali Bhogle & Mr. Rishabh Tiwari i/by Mr. Pranil K. Sonawane for Applicant
- Mr. Hitendra J. Dedhia, APP for State
- Mr. S.D. Palve, API, Manpada Police State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 14, 2025

P. C.:

1. Heard Mr. Kasar, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") in connection with Crime No. I-1344/2024 registered with Manpada Police Station under Sections 318(4), 336(3) and 340(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**") and Section 66(D) of the Information Technology Act, 2000.

3. It is seen from the FIR dated 12.12.2024 that between 09.11.2024 and 21.11.2024, unknown person by the name of Samir Rane called the complainant to avail loan from the said Company and

in the process of doing so has collected amounts from time to time totalling to Rs. 99,200/- towards processing fees, D.D. charges, banker's fees and NOC etc. Despite the said payment, complainant did not receive the loan amount, hence he lodged the complaint. FIR was registered on 12.12.2024 pursuant to which on 14.11.2024, accused No. 1 - Amol B.Raut has been arrested. It is seen that the amounts which were paid by complainant through Google Pay has been credited into the bank account of the wife of Amol B. Raut. In so far as the present Applicant is concerned, her name is not there in the FIR registered on 12.12.2024, however in two supplementary FIRs filed thereafter, it appears that the name of one Swati Madam has come into the picture as being one of the impersonators along with Amol B. Raut and it is alleged that this Swati Madam is none other than the Applicant before me.

4. I have perused the FIR dated 12.12.2024 and on reading the same, it is the clear case of complainant that he has been interacted between 09.11.2024 to 21.11.2024 by a person named Samir Rane. There is no mention whatsoever of Swati Madam being involved in any of the conversation which has been delineated in the FIR by the complainant. Documents which have been filed on record clearly show the involvement of the impersonator who spoke with the fake name of Samir Rane calling from Bajaj Finance. Specific role of the

Applicant before me has not been ascertained and discernible from the record, hence benefit of doubt is required to be given to the Applicant. Needless to state that Applicant shall cooperate with the investigation and make appropriate disclosure in respect of her bank account also.

5. In view of the above, present Applicant is allowed in terms of prayer clause (a) subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 a.m. to 12:00 p.m. for three months or as and when called;
- (iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if she does so, it will entitle the prosecution to apply for revocation of this order;
- (iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

- (v) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (vii) Any infraction of the above conditions shall entail revocation of this order.

6. It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case.

7. All concerned shall act on production of a server copy of this order and no authority shall insist on a certified copy of this order.

8. In view of the above directions, Bail Application stands allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2025.01.14
17:44:42 +0530