

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1075 OF 2025

Mrudula Kiran Surve

.. Applicant

Versus

State Of Maharashtra

.. Respondent

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- Adv. S.R. Samel i/b Mr. Rajeev Sawant and Associates, Advocate for Applicant.
- Ms. Savita M. Yadav, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 13, 2025

P. C.:

1. Heard Adv. Samel, learned Advocate for Applicant and Ms. Yadav, learned APP for State.

2. The only reason which impels me to issue notice to the Respondent – State and seek a reply from the prosecution is delay in filing the FIR in the year 2024 (March, 2024) and the arrest of the Applicant in December, 2024. What is seen is that transaction pertain to the year 2017. *Prima facie* there are two set of transactions which are made. The first transaction complainant has paid an amount of Rs.34 lakhs to the Applicant through RTGS by four separate entries. It is the case of the complainant that Applicant withdrew substantial amount from his bank account and paid over said amount to the First Informant - Complainant. The reason for paying such humongous

amount to the Applicant was the alleged promise made by the Applicant to First Informant – Complainant that she would invest the said amount for fetching high returns in RBI shares. *Prima facie* RBI does not issue any shares. Hence reason which given is somewhat not understandable or it is incomprehensible. Be that as it may, in order to secure the amount which was paid by First Informant – Complainant to the Applicant, the Applicant gave 5 cheques to the First Informant – Complainant totalling Rs. 95,50,000/-. These 5 cheques were attempted to be encashed in the year 2018 but they were dishonored. Thereafter there is long hiatus of time probably because of the Covid-19 period also and the complaint is lodged only in March, 2024 and the Applicant is arrested in December, 2024. Applicant claims to be a housewife.

3. Learned Advocate for Applicant would fairly inform the Court that there was one antecedent of a similar nature which has been settled by the Applicant. That apart it is also informed to the Court that out of initial amount of Rs. 34 lakhs which was transferred by RTGS an amount of Rs. 7 lakhs has already been returned back to the First Informant – Complainant in his bank account about which there is no mention in the FIR.

4. In that view of the matter, learned APP shall take appropriate instructions about the role of the Applicant. Since

chargesheet has not been filed and Applicant had cooperated with the investigation from March to December, learned APP shall inform the Court the need, necessity and timing of arrest of the Applicant in the present case.

5. Stand over to **26th March, 2025.**

PR. Rajput

[MILIND N. JADHAV, J.]