

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1431 OF 2025

Mrs. Vandana Baban Chavan ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rajiv Patil (Sr. Counsel) a/w Mr. Aditya Shirke i/b Mr. Saurabh Patil,
learned Advocate for the Applicant.

Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

API Mr. Bhuyarkar attached to EOW, Pimpri-Chinchwad is present in the
Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JUNE 2025.

P.C. :

1. Heard Mr. Rajiv Patil, learned Senior Counsel for the Applicant and Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 18 of 2021 registered with Chinchwad Police Station, Pimpri-Chinchwad for the offence punishable under Sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860.

3. Case of the prosecution is that the Informant, i.e., the official

of Nagar Urban Co-operative Bank Limited, Ahmednagar (“the Bank” for short) has filed a complaint against the partnership firm viz. M/s. Indian Engineering Industries and its partners, claiming that they had availed the loan of Rs. 22,00,00,000/-. The said loan was obtained by wrongful means in connivance and collusion with the officials of the Bank.

4. There are in all 29 accused in the said crime. Baban Nivatti Chavan (Accused No. 1) is the husband of Applicant (Accused No. 2). Some of the Accused are employees/officials of the Bank.

5. Applicant was arrested on 6th January 2025 and since then she is in jail. Criminal Bail Application No. 496 of 2025 filed by the Applicant before the learned Additional Sessions Judge, Pune, was dismissed on 19th March 2025.

6. Mr. Rajiv Patil, learned Senior Counsel for the Applicant submits that the entire allegations in the said crime are against Accused No. 1, who was in control of the day to day affairs and management of the partnership firm viz. M/s. Indian Engineering Industries. He submits that though the Applicant is the wife of Accused No. 1, she was a dormant partner and not connected either with the affairs of the partnership firm or day to day management of the partnership firm, which partnership is alleged to be the beneficiary of the loan amount. He submits that there are no specific allegations as against the Applicant in the context of the alleged wrongful gain/wrongful manner in which the loan was obtained in the name of partnership firm. He submits that the Applicant is implicated in the abovesaid crime on the sole ground

of she being the partner of the partnership firm, which is alleged to be the beneficiary of the loan amount and she being the wife of the main Accused. He further submits that the Applicant does not have any criminal antecedents. He further submits that six Accused in the present crime are released on bail, which include officials of the Bank.

7. Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent submits that the charges in the said crime are serious in nature. She submits that Accused No. 1, i.e., the husband of Applicant is the master mind in the crime and he is absconding, as on date. She submits that the Applicant is the beneficiary of the loan amount. However, she states that the investigation carried out atleast, as on date, does not indicate the involvement of the Applicant in securing the loan. She submits that the investigation is complete and the charge-sheet is filed against 29 Accused, which includes the Applicant. She submits that no recoveries are to be made from the Applicant. She submits that the investigation has not revealed any criminal antecedents as far as the Applicant is concerned.

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Records placed before me indicate that the Applicant is a Partner in the partnership firm, in whose name the loan is obtained. Involvement of the Applicant in the present crime apparently is in her capacity as a partner. There are no allegations in the crime indicating involvement of the Applicant in the process

of obtaining the said loan.

10. Ms. Anamika Malhotra, learned A.P.P. has fairly stated that the investigation conducted till date, does not indicate the involvement of Applicant in any wrongful act while obtaining the loan in the name of partnership firm. She submits that in respect of the wrongdoings, all the fingers point to the main Accused, i.e., husband of the Applicant.

11. The Applicant being a lady and considering the facts and circumstances of the case, which include the fact of the Applicant being in jail since 6th January 2025, she would be entitled to the benefit under the *proviso* under Section 480(1)(ii) of the BNSS.

12. In view of the above, custody of Applicant pending the trial is not warranted. The Applicant is therefore entitled to bail.

13. Present Application is allowed, subject to the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 18 of 2021 registered with Chinchwad Police Station, Pimpri-Chinchwad for the offence punishable under Sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code, 1860 on executing P.R. Bond in the sum of Rs. 1,00,000/- (Rupees One Lakh Only) with one or two sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Pune.

- b. Applicant shall report to the Investigating Officer, Chinchwad Police Station, Pimpri-Chinchwad on 5th day of every month from 10.00 a.m. to 1.00 p.m.
 - c. Applicant shall not influence or threaten any witnesses or tamper with the evidence.
 - d. Applicant shall co-operate and shall regularly attend the trial before the concerned Court as and when summoned and the date is fixed, unless exempted by the learned Trial Court.
 - e. Applicant shall furnish her residential address with proof alongwith the contact details to the Investigating Officer within 3 days from her release.
 - f. Applicant shall not leave the State of Maharashtra without prior permission from the Court of learned Additional Sessions Judge, Pune.
 - g. Applicant shall deposit her passport, if any, with the Court of learned Additional Sessions Judge, Pune within 3 days from her release.
14. Criminal Bail Application No. 1431 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]