

Laxmi Sontakke
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1914 OF 2025

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Date: 2025.05.09
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Vijay Suresh Bane

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Madhukar Dalvi a/w Shivam Dube and Subhash Bane, Advocates for Applicant.
 - Mr. Hitendra Dedhia, APP for the State.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P.C.:

1. Heard Mr. Dalvi, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No. 244 of 2024 for the offences punishable under Sections 409 and 34 of the IPC 1860 registered with Kala Chowki Police Station.

3. The facts in the present case are *prima facie* critical for the Applicant to have been arrested as argued by learned Advocate for Applicant. Applicant was a partner in a salon business with the husband of first informant. First informant-complainant works in HDFC Bank at the behest of her husband she applied for a Bank loan and gave the said money to her husband for resurrecting the salon business. Subsequently, since there was a difficulty in payment of EMI

by first informant with respect to the loan availed by her as she did not receive the reciprocation from her husband and Applicant through their salon business, she filed the present FIR in August, 2024. Invocation of Section 409 of IPC is made out against Applicant as also against the husband. Applicant has been arrested in December 2024 and is in incarceration since then.

4. Learned Advocate for the Applicant has intimated that husband of first informant was also arrested but he has been released on bail by order dated 5th May 2025 passed by the learned trial court on he having brought a Demand Draft of Rs. 5 Lacs and given to the first informant wife to show his *bonafides*. He would also inform the Court that wife of present Applicant is also arraigned as co-accused in the present crime on the ground that when the loan amount was given to the husband of first informant for running the salon business, the said amount was transferred into a sole proprietorship account of wife of the Applicant.

5. Learned Advocate would persuade the Court to consider parity as also invocation of provisions of IPC which do not directly indict the role of Applicant as there is no *prima facie* evidence of any privity of contract or agreement between Applicant and first informant. *Prima facie* if what the learned Advocate has submitted is true, Applicant has made out a case for grant of bail.

- 6.** Learned Prosecutor is directed to ascertain veracity of the submissions made by learned Advocate for Applicant and take appropriate instructions on his precise role and apprise the Court of the same on the next adjourned date.
- 7.** List the matter on 15th July 2025.
- 8.** However considering the request made by learned Advocate for Applicant, liberty is granted to Applicant to move the vacation court after giving due notice to the prosecution.

Laxmi Sontakke

[MILIND N. JADHAV, J.]