

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 345 OF 2025

Madhubala Radheshyam Patel Applicant

VERSUS

State of Maharashtra Respondent

Mr. Sidheshwar Biradar for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr. S. G. Gaikwad, PSI, Koregaon Park Police Station, Pune City.

CORAM : RAJESH S. PATIL, J.

DATE : 5th FEBRUARY, 2025

P.C. :-

1. This anticipatory bail application has been filed in FIR No. 0185 dated 18th December, 2024 registered with Koregaon Park Police Station, Pune City, under Sections 351(2), 318(4), 316(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the accused no.1/Mr.Nishun R. Patel induced the Informant for purchasing

one acre of land for farm house at Lonavala for the cost of Rs.70,00,000/-. The Informant accordingly in between March 2023 to June 2023 paid a sum of Rs.70,00,000/- to the accused no.1/ Nishun Patel.

3. Subsequently, the said accused no.1 also informed that he also deals in share market and Bit Coin trading and that the Informant can invest in the said business. Believing the accused no.1, the Informant further paid a sum of Rs.35,00,000/- to the accused no.1. The accused no.1 thereafter refunded a sum of Rs.1,00,000/- to the Informant. After that, the Informant and his wife again invested a sum of Rs.7,50,000/- with the accused no.1. Hence, the Informant paid a total sum of Rs.1,12,50,000/- to the accused no.1. The Informant also handed over his vehicle bearing No. MH-12-SV-5014 to the accused no.1. The said vehicle has also not been returned back. It has been further stated that the present applicant who is arrayed as accused no. 2 is the mother of the accused no.1 and the accused no.3 who is the neighbour of the accused nos.1 and 2 has also induced the

Informant to invest the money with the accused no.1.

4. It is also further stated that the accused no.1 has cheated one person by name Francis Kalus Bareto, to the tune of Rs.2,01,25,000/- assuring him to develop software for school management. Hence, the present FIR has been lodged.

5. It is the case of the present applicant that she is the mother of the accused no.1 and a senior citizen aged 65 years. She has personally not induced any person neither has she received any amount in her name from the Informant. She is not a beneficiary, neither she has dealt with the Informant. As far as her knowledge goes, the vehicle of the Informant was in fact sold to the accused no.1. To that effect, transfer form has been executed. She submits that she is ready to co-operate with the police and ready to give a statement as and when called for.

6. Learned A.P.P. appearing for the State opposes the present anticipatory bail application. He submits that the applicant has

not attended the police station. He submits that the custody of the present applicant would be required as there are many people who are coming forward and are registering the offences against the accused no.1.

7. I have heard learned counsel for both the sides. The applicant appears to be a lady aged 65 years and she is the mother of the accused no.1. It is a matter of record that none of the amount has come to the account of the applicant and she is not the beneficiary. She has already co-operated with the police and had been to the police station in view of the notice given by the police officer and has already co-operated with the police and is ready to co-operate with the police as and when the police calls her.

8. According to me, a case is made out for grant of anticipatory bail application. I, therefore, pass the following order :-

ORDER

- (a) The anticipatory bail application is allowed.
- (b) In the event of arrest in connected with FIR No. 0185 dated 18th December, 2024 registered with Koregaon Park Police Station, Pune City, for the offences punishable under Sections Sections 351(2), 318(4), 316(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail till the filing of the charge-sheet on furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.
- (c) The applicant shall co-operate with the investigation and attend office of the Investigating Officer of the concerned Police Station, as and when called.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade

him from disclosing the facts to Courts or any Police Officer and should not tamper with evidence.

(e) The applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

9. In view of the above, **the anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]