

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 1263 of 2025

Vijayalakshmi Shivraj Halole @ Hodage

Age 23 years, Occ. Housewife,

R/o. At post Hotagi,

Tal. South Solapur,

Dist. Solapur.

... Applicant

versus

The State of Maharashtra

(Through Yewala City Police Station,

Dist. Nasik vide C.R. No.26 of 2025)

... Respondent

Mr Priyal Sarda a/w Mr Rajesh Ranglani, Mr Shubham Sane,
and Ms Seema Dighe, for the Applicant.

Mr S S Pednekar, APP, for Respondent / State.

HC 1929 Jagtap, Yewala City Police Station, Nasik.

Coram: R.N. Laddha, J.

Date: 17 June 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.26 of 2025, registered at Yeola City Police Station, Nashik, for offences punishable under Sections 316(2), 319(2), 318(4), 335, 336(2), 336(3), 342(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that accused No.1 falsely

represented himself as a senior officer in the Central Excise Department and assured the informant that he could facilitate the procurement of a liquor and wine license. Relying on these representations, the informant paid a cumulative amount of Rs.1,81,23,141/- to accused No.1 over a period of time. However, in or around November 2024, the informant grew suspicious and visited the residence of accused No.1, where he interacted with the relatives of accused No.1. They reportedly reiterated the assurance that the license would be arranged. Despite the passage of time, neither was the promised license procured nor the amount refunded, prompting the informant to lodge the present complaint.

3. Mr Priyal Sarda, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present case solely on account of being the daughter of accused No.1. He asserts that there are no specific allegations against the applicant pertaining to counterfeiting, forgery, inducement, or any act of entrustment in relation to the alleged misappropriation of funds. Consequently, no *prima facie offence* is made out against her. The only accusation levelled against the applicant is that she had, out of compassion, given the informant verbal assurance that he would receive the requisite license. This, according to the

learned Counsel, does not attract any penal consequences under the law. Mr Sarda further contends that the FIR has been lodged not only against the applicant but also against several of her family members with *malafide* intent, as a means to exert pressure on them. He draws the Court's attention to the fact that the applicant's husband, who is also named in the case, was arrested and has been granted bail. The learned Counsel submits that the applicant is not a beneficiary of the funds in question, nor does she have any criminal antecedents. The learned Counsel also highlights a significant delay in the registration of the FIR. According to the complainant, the alleged incidents took place between July 2023 and November 2024; however, the FIR came to be registered only on 13 January 2025. This unexplained delay, he argues, casts serious doubt on the genuineness of the prosecution's case. Lastly, Mr Sarda submits that the applicant is willing to cooperate with the investigation and abide by any conditions this Court would impose.

4. On the other hand, Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea and contends that both the applicant and the co-accused were fully aware that accused No.1 held no official position in the Excise Department.

Emphasising the seriousness and gravity of the alleged offence, the learned APP underscores that the investigation is still ongoing. He further expresses concern that granting pre-arrest bail to the applicant could pose a significant risk of evidence tempering or witness intimidation.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. The allegations outlined in the complaint primarily target accused No.1, who is alleged to have impersonated an officer of the Central Excise Department. By misrepresenting his position, accused No.1 is said to have assured the informant of his ability to secure a liquor and wine license. Acting on these assurances, the informant purportedly paid a cumulative amount of Rs.1,81,23,141/- to accused No.1 in multiple instalments over a period of time. However, in or around November 2024, the informant began to harbor doubts regarding the genuineness of the promises made and proceeded to visit the residence of accused No.1. Upon finding him unavailable, the informant interacted with his family members, including the present applicant. It is alleged that during this interaction, the applicant assured the informant that the promised license would be arranged. Despite these assurances,

the informant neither received the promised license nor any refund of the money paid, which prompted the filing of the present complaint.

7. At first glance, the allegations against the applicant appear to be vague and lacking in specificity. There is no allegation that the applicant received or benefited from any portion of the misappropriated funds. It is also noteworthy that the events in question are said to have occurred between July 2023 and November 2024, yet the FIR was not filed until January 2025, raising concerns about the unexplained delay in initiating criminal proceedings. Additionally, there is no record of the applicant having any prior criminal history. The other co-accused have already been granted bail. The investigation appears to be on the verge of completion. To address the prosecution's concern about evidence tampering and witness influence, appropriate conditions can be imposed. In these circumstances, this Court deems it fit to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.26 of 2025, registered at Yeola City Police Station, Nashik, she shall be released on bail upon

executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, herself or through any other person, shall not tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]