



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.81 OF 2025

(Rushali w/o Parimal Kotpalliwar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.S. Jaiswal, Advocate for the applicant.
Mr. V.A. Thakare, APP for the State.
Mr. M.N. Ali, Advocate for Assist to Prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 25, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.38/2025 registered with Police Station Lakadganj, Nagpur for the offence punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the FIR is lodged by the informant namely Heera Siddharth Sahare on an allegation that her daughter Snehal had appeared for NEET and was hoping to get admission in Medical College. However, as she could not obtain the bench mark which is required for the admission, she approached the present applicant and other co-accused as per advertisement published in a newspaper whereby it was assured that RK Education and Counselling Center where she met the co-accused Parimal Kotpalliwar and other accused would get the daughter of the applicant admitted in Medical College. The

complainant was assured that her daughter would be given admission in Shri Laxminarayan Institute of Medical Science, Pondicherry and accordingly she was asked to make a payment of Rs.29,75,000/- by way of demand drafts and online payments, and the said payments were made accordingly by her. However, her daughter could not get the admission, and therefore, she requested for refund of the amount but said money was also not refunded to her and the cheque issued to her by the co-accused are also bounced. On the basis of the said report, police have registered the crime against the present applicant.

3. He submitted that as far as the allegations in the FIR are concerned, which is against the co-accused who is her husband. As far as present applicant is concerned only allegation to the extent that she assured the informant that her daughter would get admission and subsequently she also assured that she would get the money back. Except these allegations, there is no other allegation that either she has induced the complainant or she has obtained the money. As far as the custodial interrogation is concerned which is not required as not a single penny is received by the present applicant in her account. Considering the same, the applicant be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the complainant strongly opposed the application on the ground that during investigation, other 12 persons came forward who have been cheated in similar manner by the

accused persons. It is submitted by the learned APP that the other co-accused has obtained the sim-cards in the name of various persons and the said persons were not knowing about the obtaining of the sim-cards in their name. He submitted that the statements of the witnesses also discloses the involvement of the present applicant in the alleged offence. She was present in the office when complainant and other prosecution witnesses approached to the co-accused for admission. The advertisement also shows her name. Thus, she has active role played in the said commission of the crime. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the entire investigation papers from which it reveals that in all 14 persons came forward with similar allegations that the present applicant and her husband who had running the institute, namely R.K. Education Counseling Center and assured these 14 persons that they would get the admission and obtain the money from them. After obtaining the money, said 14 persons have not received the admission but their money is also not returned back to them. As far as the complainant Heera Sahare is concerned who has alleged that present applicant has assured her that her daughter will get admission, and therefore, she paid the amount and thereafter the present applicant has also assured him that she would get the money back. The statements of various witnesses are also recorded during the

investigation which shows that the present applicant on time to time assured that the admission will be given to the daughter of the informant as well as the other witnesses who have paid the amount to the co-accused. Thus, except the role attributed to the present applicant that she has assured on behalf of the other co-accused, no other role is played by the present applicant. Thus, considering the allegation against her, her immediate custodial interrogation is not required. The investigation papers nowhere shows that she has either received any amount in her account or she has played any active role in obtaining the amount. Thus, considering the role attributed to the present applicant on the basis of the investigation papers, she has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant – Rushali w/o Parimal Kotpalliwar in connection with Crime No.38/2025 registered with Police Station Lakadganj, Nagpur for the offence punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing P.R. bond of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a week i.e. on every Monday and Thursday between 10.00 AM and 01.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall not leave the jurisdiction of the Nagpur city without prior permission of the District Court, Nagpur.

(vi) The applicant shall surrender her passport if she is having before the investigating agency.

(vii) The applicant shall furnish her detailed address along with the address proof, cell phone number and names of her two relatives and their address with the address proof, before the investigating agency.

(viii) The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)