



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 432 OF 2025

(Smt. Komal W/o Avinash Gede

Vs.

State of Maharashtra, Thr. P.S.O. Pusad, District Yavatmal)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Shaad F. Mirza, Advocate for the Applicant.
Mr. Neeraj Jawade, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JUNE, 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.223/2025 registered with Police Station Pusad, District Yavatmal for the offence punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the Applicant approached to this Court for grant of pre arrest bail.

2. As per the allegation in the FIR that the Applicant is the proprietor of Saanvi Electric Vehicles and dealing with dealership of two wheelers including 'Komaki Flora'. As per the allegations in the FIR that the amount of Rs.3,54,000/- has already accepted but the down payment was not made and thus committed the misappropriation of Rs. 34,24,692/- by not paying the amount to the Ecofy Finance Private Limited Company and thereby cheated the said company. On the basis of the said report, Police registered the crime.

3. Heard learned Counsel for the Applicant, who submitted that, as far as the present Applicant is concerned, who is the proprietor and she has no concern as far as the misappropriation of the amount is concerned. She also invited my attention towards the grounds mentioned by the investigating agency for the purpose of custodial interrogation, she submitted that she is ready to cooperate with the investigating agency and ready to provide all the documents which the investigating agency required. In view of that, she be protected by granting *ad interim* protection.

4. Learned APP, strongly opposed the Application and submitted that it revealed during the investigation that 174 customers have been cheated by misappropriation of Rs.34,24,692/-, and therefore, the custodial interrogation is required.

5. On hearing both the sides and on perusal of the investigation papers and the reasons mentioned for the custodial interrogation, admittedly, the entire investigation revolves around the documents, bill books, etc. The Applicant has shown her willingness to cooperate with the investigating agency. At this stage, immediate custodial interrogation of the present Applicant is not required. In view of that, the prayer for grant of *ad interim* protection deserves to be allowed subject to the condition. Accordingly, I proceed to pass the following order:

ORDER

- i. In the event of the arrest, the Applicant Smt. Komal W/o Avinash Gede in connection with Crime No.223/2025 registered with Police Station Pusad, District Yavatmal for the offences punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 be released on *ad-interim* anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - ii. The Applicant shall attend the concerned Police Station twice in a week i.e. on every Monday and Thursday between 10.00 a.m. and 01.00 p.m. and shall cooperate with the investigating agency.
 - iii. 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.
 - iv. The Applicant shall not leave the jurisdiction of the Yavatmal District without prior permission of the District Court Yavatmal.
6. List the matter **after two weeks**.

(URMILA JOSHI-PHALKE, J.)