IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 195 OF 2025

SUSHILA DARSHAN JAGTAP
VERSUS
THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 669 OF 2025
IN ABA/195/2025

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Advocate for Applicant : Mr. Sonkawade Amarsinha Dharmaraj

APP for Respondents/State : Mr. P. D. Patil

Advocate for the Applicant in Cri.Appln.669/2025 :
Mr. Patekar Narendra B

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CORAM : MEHROZ K. PATHAN, J.

DATE : 7th MARCH 2026

PER COURT :

1. Heard the learned Counsel for the Applicant, the learned Counsel for assisting prosecution and the learned APP for the State.

2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.757/2024 registered with Ahmednagar Camp Police Station, District Ahmednagar for the offences punishable under Sections 318(4), 316(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The learned Counsel for the Applicant submits that this Court, vide interim order dated 14.02.2025, was pleased to protect the Applicant by granting ad-interim bail with a condition to attend

the Investigating Officer and to cooperate with the investigation. The Applicant has duly attended the police station and has cooperated with the investigation by producing all relevant documents in her possession. The said interim order was thereafter again considered by this Court on 20.02.2025, and after detailed consideration of the merits of the case, the Applicant was protected vide interim order dated 20.02.2025. However, even in that order, the Applicant was directed to again present herself before the Investigating Officer on particular dates and fixed times. The learned Counsel for the Applicant submits that she has complied with the interim orders passed by this Court vide order dated 14.02.2025 and further interim order dated 20.02.2025. The Applicant has also supplied all necessary documents to the Investigating Officer, and there remains nothing further to be investigated. The learned Counsel further submits that, in pursuance of the interim order dated 29.01.2026 passed by this Court, the Applicant again attended the Economic Offences Wing on 09.02.2026 and 10.02.2026 between 11:00 a.m. and 01:00 p.m. The necessary documents were supplied to the Investigating Officer. The Applicant was present along with her Chartered Accountant and statements of accounts, which were also supplied to the Investigating Officer. Thus, there remains nothing further to be investigated. The Applicant may therefore be protected by confirming the interim order passed by this Court..

4. The case of the prosecution is that the Informant Anuj Anil Mittal came to be acquainted with accused Rahul Jagtap and his wife

Angel Rahul Jagtap in the month of January, 2024. Both these accused persons impressed the Informant by extending promise to give 5% commission to the Informant and 10% commission to the customers of the Informant on flight tickets if purchased through Make My Trip.com whose agent is co-accused Angel Jagtap. Acting upon the promise, the Informant purchased tickets on commission basis from Angel Jagtap. Both the accused persons again impressed the Informant to invest money with their travel company run under the name and style as Rejoice Event Organizer providing account number of the present Applicant/accused who is mother of accused Rahul Jagtap. Acting upon the promise, the Informant from time and again deposited into the bank account of the present Applicant amount of Rs.10,11,19,629/-. Accused Rahul Jagtap paid to the Informant amount of Rs.2,48,56,420/- in the nature of commission up till August 2024. Again accused Rahul Jagtap and his wife Angel Jagtap impressed the Informant to invest further amount by hypothecating gold ornaments. Acting upon the promise, the Informant hypothecated 950 gold ornaments worth Rs.70,00,000/-. In the month of April 2024 the Informant purchased new car bearing registration No. MH-16-DK-5749 by obtaining loan. As insisted the Informant gave party to accused Rahul Jagtap and his wife Angel Jagtap for having purchased new car. Thereafter couple under the guise of visiting Pune took with them new car of the Informant but they did not return it back. Again under the guise of paying hotel bills, accused No.1 Rahul Jagtap took credit card of the informant and by misusing it purchased garments worth Rs.2,00,000/-. In

September, 2024 father of Rahul Jagtap died. The informant had been to the house of accused persons at Sanpada, Mumbai. Since the accused persons had stopped giving commission, the Informant tackled the issue with the present Applicant who assured the payment. The Informant having felt cheated lodged first information report on 29.10.2024 basing on which aforesaid crime came to be registered alleging cheating of non-refunded sum of Rs.8,34,63,209/-.

5. The learned Counsel for the Applicant submits that the Applicant is falsely implicated in the present crime because the co-accused persons had provided the bank account of the Applicant to the informant for depositing money. The FIR discloses transactions between the accused persons and the informant, which bear all the trappings of a civil dispute, and instead of approaching the civil court, the complainant has deliberately initiated criminal prosecution. The FIR does not make out the offences as alleged against the Applicant. The Applicant is the mother of co-accused Rahul and mother-in-law of co-accused Angel. There are no allegations that the Applicant has directly induced the complainant. The Applicant's accounts and company were used by the co-accused, and only on that basis she has been implicated in the present crime. The Applicant is an elderly lady with no criminal antecedents. The Applicant is ready to abide by any conditions that may be imposed by this Court. The Applicant has cooperated with the investigation. Hence the Applicant may be released on anticipatory bail by

confirming the orders.

6. As against this, the learned APP as well as the learned Assisting Counsel, Mr. Patekar, appearing for the complainant, strongly oppose the application on the ground that there is a direct allegation against the Applicant. It is submitted that there is sufficient evidence to establish the involvement of the Applicant in the crime. The Applicant is the mother of co-accused Rahul and mother-in-law of co-accused Angel. The Applicant is the proprietor of Rejoice Event Organiser. It is alleged that she used her account wherein a huge amount was deposited by the complainant at the inducement of accused Rahul and Angel. The said amount deposited by the complainant has been withdrawn by the Applicant, leaving only a balance of Rs. 2,02,112/- in her account. The custodial interrogation of the Applicant is therefore necessary.

. It is further submitted that though the Applicant was directed to cooperate with the investigation by attending before the Investigating Officer, the Applicant has indeed attended, however, certain data that was sought has not been supplied by her. The custodial interrogation of the Applicant is therefore necessary.

7. I have gone through the FIR dated 29.10.2024 filed by the complainant and also the investigation papers made available by the learned APP. A perusal of the investigation papers shows that the allegations of inducement are directly against the co-accused, and the only role attributed to the Applicant, as emerges from the FIR, is that

when the father of the main accused Rahul expired on 11.09.2024, the complainant went to visit the house of the Jagtaps on 12.09.2024, where for the first time he met the Applicant, Sushila Jagtap, and informed her about the transaction made in her ICICI bank account. It is alleged that she assured the complainant about the return of the deposit so made in her account at the behest of Rahul and Angel Jagtap. The tone and tenor of the FIR itself suggests that the Applicant had hardly any role to play in the inducement and cheating committed upon the complainant. The main role is attributed to accused Rahul Jagtap (son of the Applicant) and Angel Jagtap (daughter-in-law of the Applicant). The said co-accused Rahul and Angel have already been arrested and released on bail. The Single Bench of the Bombay High Court in the case of **Nilesh Ramrao Shelke Vs. the State of Maharashtra** and **Jayshree Nilesh Shelke Vs. The State of Maharashtra** was pleased to allow the application of the wife of the main accused even though huge amounts were credited in her account by observing as under :

> *10. But it is significant to note that in the present case, the Applicant in Anticipatory Bail Application No.1622/2024, is a lady and she is the wife of the Applicant in the other Anticipatory Bail Application. At present, it appears that the material against her is that the loan amounts were siphoned off and credited in her account and that on a few occasions, such amounts were transferred from her account ot that of her husband i.e. accused no.2. Other than being the alleged beneficiary of such ill-gotten money, at this stage, it does not appear that the said Applicant was involved in the conspiracy or that she was the brain behind the modus operandi for duping the Informant. It appears that the accused No.2 i.e. her husband alongwith accused No.1, had undertaken the aforesaid activity. Therefore, on this sole ground, it would be appropriate to grant relief to accused No.3/Jayshree Nilesh Shelke, while rejecting the application of her*

husband i.e. accused No.2-Nilesh Ramrao Shelke.

8. Thus taking into consideration the nature of allegations against the Applicant, the limited role of the Applicant lady and also the fact that the Applicant has cooperated with the investigation since the first interim order passed on 14.02.2025, as well as the subsequent interim orders dated 20.02.2025 and 03.03.2025, it appears that the Applicant has complied with the directions of this Court. A perusal of the interim order dated 03.03.2025 shows that this Court has observed that the prosecution cannot insist upon disclosure of trade secrets which are not connected with the issue under investigation.

9. It could thus be seen that despite the opportunity granted to the Investigating Officer to conduct the investigation, after directing the Applicant to attend the police station and the Economic Offences Wing with statements of accounts and her Chartered Accountant, it appears that the investigation is still not complete for one reason or another as stated by the Investigating Officer. The role of the present Applicant is limited to the extent that her ICICI bank account was used by the main accused Rahul and Angel for committing the said crime.

10. The Division Bench of this Court in the case of **Dr. Rajendra Ambadas Band and Ors. Vs. the State of Maharashtra and Anr.** in Criminal Appeal No.266/2023 was pleased to observe as under :

"We have given sufficient attendance to the Appellants when their liberty was protected in the interim order. The Investigating Officer could have utilized the said opportunity, but still he is reporting that investigation is yet to be done in respect of the weapons. If he had interrogated the Appellants then it could have laid to the discovery under Section 27 of the Indian Evidence Act. Even after granting sufficient opportunity, if the investigation has not been carried out in that direction, it cannot be said that the custodial interrogation of the Appellants would be necessary. Learned Special Judge ought to have considered all these points. Since those points have not been considered, this Court would interfere and protect the liberty granted to the Appellants.

11. The Hon'ble Supreme Court in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Anr.**, reported in 2022 (10) SCC 51, while relying upon the judgment of **P. Chidambaram v. Directorate of Enforcement**, was pleased to observe as under :

> *91. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial….*
> *In that regard what also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the ball jurisprudence provide so…*
> *But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial.*

12. Thus, taking into consideration the above observations of the Hon'ble Supreme Court and the observations made herein above, in my opinion the further custodial interrogation of the Applicant would not be necessary. Hence I am inclined to protect the Applicant

in exercise of powers under Section 482 of the BNSS. Hence the following order :

ORDER

(i) The application is allowed.

(ii) The interim order dated 14.12.2025 is hereby confirmed.

(iii) The Applicant shall attend the Ahmednagar Camp Police Station, District Ahmednagar as and when called by the Investigating Officer till filing of the charge-sheet.

(iv) The Applicant is directed not to tamper with the evidence.

(v) The Applicant shall not threaten the complainant or the witnesses.

(vi) The Applicant shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.

(vii) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of herself and two of the near relatives.

(viii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the present Applicant on that ground.

(ix) With the aforesaid directions, the application is disposed of.

(x) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE

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