IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2301 OF 2026
WITH
INTERIM APPLICATION NO. 2614 OF 2026
IN
BAIL APPLICATION NO. 2301 OF 2026

Jyoti w/o Devshi Bagda ... Applicant
V/S.
State of Maharashtra ... Respondent

Mr. Abhishek Kulkarni, for the Applicant.
Ms. Aangha A. Deshmukh, APP for Respondent–State.
Mr. PSI Mahesh Sawant, Nehru Nagar PS, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 6th OCTOBER, 2026

P.C. :-

1. Heard. Perused the record.

2. The applicant seeks her release on bail in connection with C.C. No.1442/PW/2025, pending before the learned Judicial Magistrate, First Class, Vikhroli, District Mumbai, arising out of Crime No.153 of 2025, registered with Nehru Nagar Police Station, District Mumbai, for the offence punishable under Sections 316(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), on the report dated 03.04.2025 lodged by Mahesh Kishor Babariya.

3. The prosecution case is that, between 08.08.2022 and 30.06.2023, the applicant and her husband/Accused No.1 deceived the informant and other investors with him by making a false representations that, if they invest their money in the

company of the applicant, they would get good profits, and dishonestly induced the said investors to invest a total amount of Rs.64,90,000/- in the company. However, both the accused did not return that money nor the assured profit, thus, they cheated the investors and misappropriated their money.

4. Considering the submissions of the learned APP and the material on record, I am of the view that there is a *prima facie* case against the applicant of having cheated the investors and misappropriated their money.

5. However, record indicate that, out of the defrauded money, total Rs.22,00,000/- to Rs.26,00,000/- are repaid to the investors. The applicant was arrested on 16.10.2025. She was in jail till 30.06.2026. Thereafter, she was on interim bail till 19.08.2026 as per the Order dated 23.06.2026 passed by this Court. However, she could not comply with the interim bail condition, i.e., to deposit Rs.11,00,000/- out of the defrauded amount. Therefore, she surrendered to the Court. Till the date, the applicant has undergone about 10 months of incarceration. The investigation is over and, further detention of the applicant in jail will not serve any purpose. The offence is triable by Magistrate. The applicant has no criminal antecedents. She is not likely to abscond and tamper with the prosecution evidence.

6. In the wake of above, I am inclined to release the applicant on bail. Hence, the following Order:

(i) The applicant- Jyoti w/o Devshi Bagda be released on bail in connection with C.C. No.1442/PW/2025, pending before the learned Judicial Magistrate, First

Class, Vikhroli, District Mumbai, arising out of Crime No.153 of 2025, registered with Nehru Nagar Police Station, on her executing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark her attendance at Nehru Nagar Police Station, District Mumbai, on 1st day of a month, every three months, between 11:00 a.m. to 2:00 p.m., till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against her.

(v) On being released from jail, 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.

(vi) The applicant shall not indulge in identical activities for which she has been arraigned in this case.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application. The trial Court shall decide the said case

without getting influenced by any of the said observations.

7. Bail Application stands disposed of in aforesaid terms.

8. As a result, Interim Application No. 2614 of 2026 does not survive for consideration and stands disposed of.

(SHYAM C. CHANDAK, J.)

SANJAY ASARAM MANDAWGAD
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