

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

CRIMINAL APPLICATION NO.398 OF 2026

Babita w/o Nitin Masram

..vs..

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Daga, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 20.04.2026.

Heard.

2. By way of this application the applicant is seeking bail in connection with Crime No.591 of 2024 registered with Ambazari Police Station, District Nagpur for the offence punishable under Sections 409, 420, 465, 467, 468, 471, 474 of the Indian Penal Code on the principal ground that in view of the proviso to Section 437 the applicant being a woman, be enlarged on bail as she has surrendered before the Court on 02.09.2025.

3. The FIR came to be lodged by the informant Harish Paliwal on 29.08.2024 alleging that the applicant has misappropriated the amount to the tune of Rs.44,40,197/-, when she was working as a Junior Clerk by way of modifying and altering 439 receipts after receiving money from the students and college and misappropriated them.

4. To substantiate his submission, the learned Counsel for the applicant placed reliance on the judgment of the Supreme Court in *SLP (Crl)*.

No.11806/2025 (Vaishali Satbhaiye vs. State of Madhya Pradesh) dated 06.10.2025, judgment of the Karnataka High Court in the case of ***Nethra w/o Palarswamy vs. State of Karnataka Criminal Petition No.2306 of 2022*** and on judgment of this Court in the case of ***Simpy Bharadwaj vs. Union of India and anr. (Criminal Bail Application No.2016 of 2024)***.

5. On the other hand, learned APP vehemently opposed the application by submitting that the applicant has committed serious offence as she has duped the college and near about 633 students by making forged receipts of their payment and deposited the said amount of Rs.60 lakhs approx. in her account. It is also submitted that initially her anticipatory bail application came to be rejected on 15.10.2024. Only on 02.09.2025 she was arrested. The Investigating Officer is present in the Court to assist the learned APP and therefore, she further invited my attention to the case diary wherein the Investigating Officer has taken much efforts to take her in custody and lastly she has surrendered before the Court. It is also informed that the husband of the applicant is working in the police department and has not co-operated with the investigation. And therefore, considering all these aspects, the application is prayed to be rejected.

6. I have considered the rival submissions and perused the record. Hon'ble Supreme Court in the case of *Vaishali Satbhaiye vs. State of Madhya Pradesh (supra)* in paragraph 6 has observed as under :

"6. Having regard to the nature of the

prosecution case and materials brought on record, without expressing any opinion on the merits of the prosecution case, we are of the view that the appellant being a lady is entitled to be released on bail during pendency of the trial.”

7. This Court in the case of *Simpy Bharadwaj vs. Union of India and anr. (supra)* has held in paragraph 22 as under :

“22.Applying the said position of law, this Court is of the opinion that the applicant, in the present case, being a woman is entitled to the benefit of the proviso to Section 45(1) of the PMLA. This Court finds no reason as to why the applicant is to be denied the benefit of the exception carved out in the proviso for special treatment. In any case, it is not denied that the applicant is a mother to a six year old child, who obviously needs her care and company. She has suffered incarceration for about ten months and continuing her judicial custody would serve no purpose when the commencement of the trial in the present case, itself, will not be undertaken in the foreseeable future, thereby indicating that the completion of the trial will not take place within a reasonable period of time.”

8. Further the *Karnataka High Court in the case of Nethra w/o Palarswamy vs. State of Karnataka (supra)* after considering several judgments has observed that “No doubt proviso to Section 437 of CrPC speaks about the release of accused on bail, who is under the age of 16 years or is a woman or is a sick or infirm...” So far as the present case is concerned, the applicant is a woman having 13 years old son.

9. It appears that now the investigation is complete

and charge-sheet is filed. Considering the above exposition of law laid by the Supreme Court, Karnataka High Court as well as this Court, I am inclined to enlarge the applicant on bail, as the applicant is in jail since 02.09.2025. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Babita w/o Nitin Masram in connection with Crime No.591 of 2024 registered with Ambazari Police Station District Nagpur be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (d) The applicant shall provide her residential address and cell number to Police Station concerned and shall not change her place of residence without prior intimation to the Investigating Agency.
- (e) The applicant shall attend the concerned Police Station twice a month i.e. on 1st and 3rd Sunday of every month between 11.00 am to 2.00 pm till the conclusion of trial.
- (f) The applicant shall attend each and every date of trial regularly. If she fails to attend the trial for two consecutive dates, or fails to comply

with the aforesaid conditions, her default would entail the State to ask for cancellation of bail.

10. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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