SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Mithila Vs. State of Maharashtra

Mithila Vs. State of Maharashtra

SooperKanoon Citation : sooperkanoon.com/1184841

Court : Mumbai Nagpur

Decided On : Mar-31-2016

Judge : Z.A. Haq

Appeal No. : Criminal Application (ABA) No. 140 of 2016

Appellant : Mithila

Respondent : State of Maharashtra

Judgement :

P.C.

1. Heard Shri Shyam Dewani, learned Advocate for the applicant and Shri S.S. Doifode, learned Additional Public Prosecutor for the non-applicant/ State.

2. The applicant is apprehending arrest in crime registered against her for offences punishable under Section 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999.

3. Initially the crime was registered against the applicant and other co-accused for offence punishable under Section 420 read with Section 34 of the Indian Penal Code. This Court, by the order dated 09-03-2016, directed issuance of notice to the non-applicant and granted interim protection to the applicant. Subsequently, additional offence punishable under Section 3 of the Maharashtra Protection of

Interest of Depositors (In Financial Establishment) Act, 1999 is added in the crime registered against the applicant and co-accused.

4. The accusations against the applicant are that she was one of the Directors of investment company which duped the investors and has not returned the amount invested by the investors. According to the prosecution, amount of Rs.1,34,61,707/- was deposited by fifteen depositors and it has not been returned on maturity of the deposits.

5. The application is opposed on the ground that the applicant is directly involved in the affairs of the company alongwith her husband Vinay Wasankar. It is submitted that the application filed by Vinay Wasankar seeking bail in another Crime No.156/2014 registered by the Ambazari Police Station, Nagpur, is rejected by this Court. The learned Additional Public Prosecutor has submitted that the offence for which the applicant is charged is an economic offence and therefore, she need not be granted pre-arrest bail.

6. Crime No.156/2014 is registered by Ambazari Police Station, Nagpur against the applicant, Crime No.291/2014 is registered by Frezarpura Police Station, Amravati against the applicant, Crime No.200/2014 is registered by Civil Lines Police Station, Akola against the applicant and Crime No.373/2015 is registered by Ambazari Police Station, Nagpur against the applicant. All these crimes are registered on the complaints alleging that the amount deposited by the investors is not returned. In the first three crimes, the learned Special Judge has directed that the applicant be released on bail. In Crime No.373/2015, the applicant is protected by an interim order.

7. The order passed by the learned Special Judge directing release of the applicant on bail in Crime No.156/2014 was challenged before this Court vide Criminal Application No.59/2015 which criminal application is rejected by this Court.

8. The learned Counsel for the applicant has pointed out that there are no accusations against the applicant in the first information report and she is being implicated only because she is Director of the company. Considering the nature of

the accusations against the applicant, the facts on record, that the offence for which the applicant is charged is punishable upto imprisonment for seven years and that the applicant is a lady and as the non-applicant has not been able to point out that custody of the applicant is required for further investigation, in my view, the interim order passed by this Court on 09-03-2016 is required to be confirmed.

9. Hence, the following order :

i) In the event of arrest in Crime No.149/2015 registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond for Rs.1,00,000/- and two solvent sureties in the like amount.

ii) The application is allowed in the above terms.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com