

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

BAIL APPLICATION NO.340 OF 2015

Sarika W/o Rukesh Chakunde
 -vs-

The State of Maharashtra Thr. Additional Commissioner, EOW, Nagpur.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Shyam Dewani, Advocate for petitioner.
 APP for State.

CORAM : A.S.CHANDURKAR, J.
DATE : MAY 29, 2015

This application filed under Section 439 of the Code of Criminal Procedure, 1973 seeks release of the applicant on bail.

The applicant has been arrested during the course of investigation in Crime No.156 of 2014 registered with Ambazari Police Station. Investigations are being carried out by the Economic Offences Wing, Crime Branch, Nagpur for offences punishable under Sections 420, 406, 409, 506 R/w Section 120-B of the I.P.C. and Section 3 of the Maharashtra Protection of Interest of Depositors Act.

On behalf of the applicant, it is submitted that she was working as a Manager (Operations) in a Company known as M/s Wasankar Wealth Management Ltd., and it is submitted that the name of the present applicant was neither mentioned in the First Information Report nor in the charge-sheet dated 24/09/2014 or two other supplementary charge-sheets. According to the applicant, only because she stood as surety for another accused viz. Smt. Mithila Wasankar, the present applicant has been arrested. It is further submitted that applicant is merely an employee in concerned Company and has no role whatsoever to play in the

alleged offence. It is then submitted that various other employees including some of the Directors in the said Company have been released on bail and that the applicant has a son aged four years who requires her attention. The learned counsel for the applicant has referred to the order dated 19/03/2015 passed in Criminal Application (ABA) No.29 of 2015 in support of his submissions.

The application is opposed by learned Additional Public Prosecutor by relying upon the reply filed on record. It is submitted that the applicant in her capacity as General Manager (Operations) was actively involved in the affairs of the Company and hence there was complicity on her part in aforesaid offence. Reference was made to various documents that were seized during investigation and it was also submitted that there was great likelihood of the present applicant tampering with the prosecution witnesses. It was denied that merely because the applicant stood as surety for another accused, she came to be arrested.

I have considered the respective submissions. I have also gone through the order dated 19/03/2015 in Criminal Application (ABA) No.29/2015. It is not in dispute that in the First Information Report dated 09/05/2014 or the charge-sheet dated 24/09/2014, the name of the applicant does not figure. Same is also not shown in the supplementary charge-sheets. This Court while considering the bail application of another employee Smt. Kumud Choudhary had observed in its order that though some role was played by said employee, it could not be said that a major role was played by the said employee. Aforesaid observations also apply to the facts of the present case. Similarly considering the material that has been seized from the present applicant, it cannot be said that the role played by her is to such extent to deny her bail.

Further, considering the fact that the applicant is a lady

having a four year old son, the discretion as contemplated by provisions of Section 437(1) of the Code can be exercised in her favour. Necessary restrictions can be imposed upon the applicant as a condition for her release on bail.

Hence after considering the reasons in the order dated 19/03/2015, the following order is passed :

- 1) Application is allowed. Applicant Smt. Sarika Rukesh Chakunde is released on bail on furnishing P.R. Bond of Rs.1,00,000/- with one solvent surety in the like amount.
- 2) She shall attend Economic Offence Wing, Crime Branch Nagpur on every Monday, Tuesday and Wednesday between 11.00 am to 1.00 pm until further orders for the purposes of investigation and shall co-operate the Investigating Officer.
- 3) She shall not leave Nagpur city without prior permission of the Court except for attending the Court matters at different places.
- 4) She shall not directly or indirectly influence the prosecution witnesses so as to dissuade them from disclosing any fact to the Investigating Officer.
- 5) She shall not tamper with the prosecution evidence.
- 6) She shall deposit her passport with the Investigating Officer if not deposited.

Authenticated copy of this order shall be provided to the learned counsel for the parties.

JUDGE