

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.4393/2020

(Ritu Gadwal w/o Tarun Mothe d/o Kamal Gadwal

Versus

The State of Madhya Pradesh)

Indore, Dated 31.01.2020

Mr. Sameer Athawale, learned counsel for the applicant.

Mr. Yogesh Kumar Gupta, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This second application under Section 439 of Criminal Procedure Code, 1973 has been filed by the applicant, who is implicated in connection with Crime No.1193/2019 registered at Police Station Vijay Nagar, Indore District Indore (MP) for offence punishable under Sections 420 and 406/34 of the Indian Penal Code, 1860.

The applicant is in custody since 14.12.2019.

As per prosecution case, complainant Bhaga Kishan submitted a written complaint to police, *inter alia* stating that about one year back he received a phone call from a person named Shravan, who introduced himself to be working with a Company called “Ripples Advisory Private Limited”, Indore and convinced him to invest with the Company in return of rich dividends on his investment. He stated to have deposited Rs.2,025/- towards registration with the Company and further deposited money on different dates directly into the bank account of the Company viz. A/C No. 35655522911 of State Bank of India. He later discovered that the Directors of the

Company viz. Neelesh Shukla, Hemant Solarpurkar and others duped him by making false assurances and false representation. The applicant has been implicated in the present crime on the basis of disclosure statement of co-accused persons recorded under Section 27 of the Indian Evidence Act, 1872. Hence, the present case has been registered against him / her.

Learned counsel for the applicant has submitted that the applicant is innocent and he / she has not committed any offence. The applicant is neither named in the FIR nor in the complaint filed by the complainant (s). The applicant has joined the service in the Company only in January, 2019 on the post of Relationship Manager. There is no allegation against the applicant that she allured / forced the complainant to invest money with the Company. The applicant is in custody since 14.12.2019. The applicant is a wedded lady and presently she is pregnant and facing difficulties. Conclusion of the trial will take sufficiently long time. Under these changed circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

On the other hand, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that the applicant is the person, who actively participated in the crime by alluring the complainant and other clients for making their money double in a short span of time and when the complainants demanded their money from the Company, the applicant used to force the investors to invest more money,

otherwise their money may not be returned back to them. Under the compelling circumstances, the complainant and other investors were forced to invest more money in the Company; and later on, the company did not reply the said amount to the complainant. By doing this, the applicant has committed cheating with the complainant in furtherance of common intention. Therefore, the applicant cannot escape from his / her involvement in the present crime by saying that he / she is just an employee of the Company. Hence, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh submits that the applicant is not entitled for grant of bail; and prays for rejection of the application.

I have considered the facts and circumstances of the case and the arguments advanced by learned counsel for the parties so also perused the case diary.

From perusal of the documents, it is revealed that by letter dated 11.01.2019, Prachi Gupta is promoted to the post of Relationship Manager considering her contribution toward organizational goal and the professionalism displayed in her current assignment. Therefore, arguments advanced by the learned counsel for the applicant is not acceptable, that she has joined the company from 11.01.2019. On the contrary, it appears that she is deeply involved in the business of company and she induced the complainant / investors to invest money in the Company, therefore, she got promotion. There is no document on record to show that the applicant is presently pregnant. Earlier bail application of the applicant was

dismissed on merit by this Court vide order dated 30.12.2019 passed in Miscellaneous Criminal Case No.54393/2019. Thereafter, there is substantial change in the circumstances in which the present bail application can be considered. Hence, no case is made out for grant of bail to the applicant.

Accordingly, Miscellaneous Criminal Case No.4393/2020 is hereby dismissed.

(S.K. Awasthi)
Judge

Pithawe RC

Ramesh Chandra Pithawe

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