

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No.1251 of 2022

CNR NO.MHNS010053452022



Monali Harish Dixit

Age : 37 years, Occu.: Housewife

R/o : Nashik-Road, Nashik.

... Applicant/Accused.

V/S

State of Maharashtra

Through – Adgaon Police Station

(C. R. No.45 of 2011)

... Respondent/State.

Appearance :

Ld. Adv. Shri. Darshan S. Ekhande for the Applicant/Accused.

Ld. A.P.P. Smt. B. N. Petkar for the Respondent/State.

Shri. P. P. Nikam, P.I. (I.O.) Crime Branch, Nashik.

ORDER BELOW EXH. NO.1

(Delivered on 29th November, 2022)

1. This is an application under Section 438 of Cr. P. C. for pre-arrest bail.

2. Read the application and the say filed by the respondent vide Exh.6. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State. So also heard the I.O.

3. Crime bearing No.45 of 2011 came to be registered with the Adgaon Police Station under Section 420, 409, 292 r/w 34 of the Indian Penal Code and under Sections 3 and 4 of M.P.I.D. Act against the applicant and others, for an allegation that, accused No.1, who is the husband of the applicant had floated a Company, wherein he alongwith his father were the Directors and they had appointed other accused persons as their agent to collect the money as a deposit and assured them that, within a stipulated period they will give doubled the amount. The accused did not keep his promise and thereby cheated the depositors.

4. It is the case of the applicant that, she is not the Director nor an Agent appointed by the accused. She is not involved in this Crime. She is falsely implicated in this case, just because she is the wife of accused No.1. Charge-sheet is filed. Investigation is over. Ready to abide by the terms and the conditions likely to be imposed by the Court. Therefore, prayed to allow the application.

5. Respondent objected on the grounds that, an amount of Rs.4,00,000/- came to be transferred in the account of the applicant from the account of the Company. Therefore, custodial interrogation is necessary, as the applicant knows the transaction of the Company. Therefore, prayed to reject the application.

6. Upon hearing and going through the material on record, what can be gathered is that, the offence alleged is of the Year-2011 and charge-sheet is filed in the Year-2021. Some of the accused are enlarged on regular bail and some are enlarged on pre-arrest bail. Some are dead. Considering the facts and circumstance of the case, this Court finds that,

custodial interrogation of the applicant is not necessary. In the result, this Court is admitting the application to bail. Hence, the order.

ORDER

1. Criminal Bail Application No.1251 of 2022 is allowed.
2. In the event of arrest, Applicant Monali Harish Dixit be released on bail on her executing a personal bond of Rs.15,000/- with solvent surety in like amount to the satisfaction of the I.O in connection with C.R. No.I-45 of 2011 registered with Respondent/Adgaon Police Stations under 420, 409, 292 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the M.P.I.D. Act, 1999.
3. Applicant to remain present before the I.O. at the respondent/Police Station on 05th December, 2022 between 11.00 a.m. to 01.00 p.m. and co-operate the I.O. in the investigation.
4. Applicant not to repeat the similar offence in future.
5. Inform the order to the I.O./respondent.
6. In the above terms, Criminal Bail Application No.1251 of 2022 stands disposed off accordingly.

Place : Nashik.
Date : 29/11/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.