

Order below Exh. 1 in, Cri. Bail Application No. 349/2022
(Raginee Praful Somthankar Vs. State)

This is an application, for pre-arrest bail u/s. 438 of the Cr.P.C. in Crime No.40 of 2022 registered with Gangapur Police Station, Nashik u/ss. 420, 406 & 506 of The Indian Penal Code(IPC).

2. The learned counsel Mr.M.Y. Kale for the applicant submits that, applicant is innocent person and she has been falsely implicated. Applicant is ready to abide by any of the terms and conditions to be imposed by this Court and has relied upon bunch of documents filed alongwith list Exh.3 at Sr. Nos. 1 to 29.

3. Learned A.P.P. Mr. R.M. Baghdane, by filing pursis (Exh.10) adopted say filed by I.O (Exh.9.) and strongly objected this application. I.O. present alongwith case dairy.

4. Complainant Narayan Dagu Shinde appeared and has filed his say (Exh.13) and raised objection to grant pre-arrest bail on the grounds that, amount of Rs.2,80,000/- is to be recovered from the applicant and she may hamper or tamper prosecution witnesses and evidence.

5. Prosecution case is that, in between 16.02.2021 to 15.09.2021, applicant director of English Learning Academy and Study Abroad consultancy, promised to send Pritesh son of the informant to foreign country i.e. Italy for admission in educational institute. Believing her words, he paid Rs. 2,81,000/- but she did not initiate any process and did not send his son Pritesh son abroad for his education . As police did not initiate any action upon his application, learned J.M.F.C. in Cri. M.A. 1356/2021 by order dated 22.02.2022 passed order 156(3) of Cr.P.C. for investigation.

6. This application is strongly objected by learned A.P.P. on the grounds that, applicant may influence, may tamper or hamper prosecution witnesses and evidence, amount of Rs. 2,80,000/- is to be recovered, involvement of other accused if any, is to be traced and thereafter be arrested. It is admitted fact that, applicant has taken above amount from the informant for Pritesh Narayan Shinde. It is the contention of the applicant that, she could not comply the same as on 30.04.2021 an interview of

Pritesh Narayan Shinde was conducted but his on-line pre-evaluation admission was rejected. His interview was again scheduled on 9.9.2020 which was intimated to him on 21.8.2021 by e-mail and telephone. However, on 25.8.2021, Pritesh Shinde informed the applicant that he is not prepared for the test as it was not intimated him well in advance. The applicant also suggested for another option to offer of the MACERAT University Italy which was not accepted by him and finally he asked for the refund of amount. The applicant is unable to return the same as, the amount is not lying with her and she had to comply various processes for sending the applicant abroad. As, complainant started harassing her, she also made complaint against him in the police station.

7. However, perusal of record reveal that, there is direct involvement of the applicant. Investigation is incomplete. Property in terms of money is involved in the present case which was admittedly accepted by the applicant for sending abroad for education of Pritesh Shinde which was not complied by her and she did not return the amount received. The property is to be recovered. Hence, for the purpose of investigation, custodial interrogation is necessary. I found force in the contentions canvassed by learned APP on above grounds. Consequently, grounds shown in the present application are not just and satisfactory to allow this application for pre-arrest bail. Hence, I am not inclined to exercise my discretion in favour of the applicant. In the result, I pass the following order.

ORDER

This application stands rejected.

(S.T. Tripathi)

Date : 25.03.2022.

Additional Sessions Judge-7,
Nashik.