IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.702O OF 2025

SHEETAL SWAPNIL DESHMUKH ...APPLICANT
VS
THE STATE OF MAHARASHTRA ...RESPONDENT

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Adv. Siddharth Ajay Mehta A/W Harshada Shrikhande, Vaibhav, Bhargavi Mundhe for the Applicant.
Adv. Ajay S. Patil, APP for the State.
PSI N. B. Khandagale, Saswad Police Station Pune.

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CORAM : RAJESH S. PATIL, J.

DATED : MARCH 13, 2025

P.C.:

1. This application is filed by the applicant under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with C. R. No. 49/2025 for the offence punishable under 316(2), 316(5), 318(2) and 318(4) of Bhartiya Nyaya Sanhita, 2023 registered at Saswad Police Station Pune (R).

2. This matter was argued yesterday and was kept to day in order to permit the applicant to make a statement before the Court as regards to in whose account the entire money of Rs.46,58,800/- was transferred as mentioned in the FIR and how did the applicant return the said money along with interest. A copy of the sale deed, which has

been executed by the applicant was sought, even a soft copy if tendered, the Court would consider the same. However, the same has not been done.

3. In the complaint lodged by the Manager of Sadhana Sahakari Bank, Saswad Branch, it has been alleged that the present applicant being a staff member who on the pretext of collecting money from the customers, issued bogus receipts and even manage to close the FD's of customers siphon of the entire money which after audit conducted by the bank has been realized that a sum of Rs.46,58,800/-. The applicant after being known about the said fraud been caught by the bank officials has returned the said money of Rs.46,58,800/- along with interest. The FIR to that effect was lodged. The anticipatory bail application filed by the applicant before the Sessions Court was rejected on 25 February, 2025.

4. The learned counsel for the applicant submits that the applicant is a lady. She has shown her bonafides by returning the entire money claimed by the bank along with interest. There is no recovery to be made from the applicant. The applicant is ready to co-operate with the police. Therefore, her custody is not at all necessary. To buttress his submission, he relies upon the following judgments.

(i) Pradip N. Sharma vs. State of Gujrat[1]

1 **[2025 SCC OnLINE SC 457]**

(ii) Smt. Bhavani Revanna vs. State of Karnataka[2]

5. The learned APP has opposed the present application and submitted that there are statements recorded of account holders and those statements are dated 22 February 2025 and 12 March 2025, wherein, they have stated that how fraud was committed by the present applicant on them. If not for the audit conducted by the bank, the applicant/accused would have committed a fraud of a higher magnitude. In fact by letter dated 17 September, 2024 which was in hand writing of the present applicant addressed to the Chairman of the Bank, she has admitted her guilt. She has also admitted that she used to give forged receipts to the customers. Therefore, he submits that the custody of the present applicant would be necessary in order to do proper investigation as to how many more peoples are involved with the present applicant in committing the fraud. So also, whether the fraud is only of the amount of Rs.46,58,800/- or it is much more. The method applied by the present applicant to defraud the bank, its customers and public at large, is to be found out. The whole trail of money has to be found out because, after the applicant committing the fraud, she has deposited the embezzled amount in different accounts. How the applicant has managed to bring back the money is also to be seen. The only way the whole crime can be investigated is by the custody of the

2 ***[pass by the Single Judge of High Court of Karnataka At Bengaluru in Cri Petition No.5125 of 2024]***

present applicant. The applicant herself has submitted that her husband is unemployed. Therefore, if the applicant submitting that she has a son whose care has to be taken, the husband of the applicant is quite capable for doing it. To support his submissions, he relied upon the following judgments.

(i) ***State Of Gujarat vs Mohanlal Jitamaljiporwal & Anr.***[3]
(ii) ***Nimmagadda Prasad vs. Central Bureau of Investigation.***[4]

6. I have heard the counsel for both the sides and have considered the documents on record. The applicant by letter dated 17 September 2024 which is written by her own hand writing **has admitted her guilt** that she has issued bogus receipts to the customers of bank by accepting monies from them and siphoning of those monies. The bank in question is a co-operative bank having its branch at a remote Taluka in Maharashtra. The customers of the such bank are the small shop keepers and local villagers having very meager income. The applicant has taken advantage of this and has siphoned of their monies not depositing those monies in the bank. The applicant by using the said money for her own purpose and probably the fraud which has admitted by her of Rs.46,58,800/- is much more than the amount which has been mentioned by the investigating officer. Apart from the present applicant, there appears to be many more peopled involved in the said crime, the

3 **[1987 (2) SCC 364]**
4 **[(2013) 7 SCC 466]**

applicant has not disclosed the names of those persons.

7. The monies lying in the bank is public money. The applicant by committing the present crime, has committed the crime not only against the customers and bank but also against the Government by siphoning of the monies. As regards the submission of the counsel for the applicant, that the applicant has returned back the money. According to me, returning back the money does not mean that there is an end of crime. The crime has already been committed by the present applicant and she is aware about her guilt and she has admitted her guilt. The said money has been utilized by the applicant from 4 July 2023, as per her own statement. According to me, it can be even before that.

8. The statements of the account holders which have today been shown to me today by the APP, the account holders have themselves filed a complaint against the present applicant narrating as to how they have been cheated by the present applicant. As regards the fact that the applicant is a lady, she should not be arrested. The counsel for the applicant, on a question being raised by this Court as to what is the occupation of the husband of the present applicant, he has fairly stated that the husband of the applicant is unemployed. According to me, therefore, as regards the submission of applicant that she has a son to be looked after, I am of the view that her husband is quite capable to

do it.

9. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*[5] in paragraph 12 has held as under :-

> "……….. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."
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> (Emphasis supplied)

10. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*[6], in paragraph 4 which reads as under:-

> "4.We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated.

5 (2022) 17 SCC 391.

6 AIR OnLine 1997 SC 797.

> Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders."
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> (Emphasis supplied)

11. A similar view has been taken by the Supreme Court in the case of *the Nimmagadda Prasad vs. Central Bureau of Investigation*[7], in paragraph nos. 24 to 26 which reads as under:-

> "24. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.
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> 25. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep-rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as a grave offence affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.
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> 26. Taking note of all these aspects, without expressing any opinion on the merits of the case and also with regard to the claim of CBI and the defence, we are of the opinion that the appellant cannot be released at this stage, however, we direct CBI to complete the investigation and file charge-sheet(s) as early as

7 [(2013) 7 SCC 466].

> possible preferably within a period of four months from today. Thereafter, the appellant is free to renew his prayer for bail before the trial court and if any such petition is filed, the trial court is free to consider the prayer for bail independently on its own merits without being influenced by dismissal of the present appeal."
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> (Emphasis supplied)

12. As regards the judgment referred by the counsel for the applicant of *Pradip N. Sharma* (supra), in said judgment, Supreme Court has held that when the investigation can be conducted on the basis of the document, the custodial interrogation would not be necessary. There is further held that there is no material placed before the court to suggest that the applicant Pradip N. Sharma (Deputy Collector) has evaded or obstructed the investigation in any manner. It is well settled that anticipatory bail can be granted where the custodial interrogation is not essential, particularly in cases where the allegation is hinge on official records. Pradeep Sharma's case, is pertaining to an issue regarding lands being illegally allotted by Pradip Sharma (Deputy Collector). The complainant was the Mamlatdar of the village who has lodge the FIR that land situated in village was illegally allotted by Pradeep Sharma. According to me, the facts in the case of Pradip Sharma are completely different then the present proceeding as in the present proceeding it is bank and public money is involved. The investigation is not completed and it has to be found out, the chain of the money being transferred.

13. As regards the order referred by the counsel for the

applicant of a Single Judge of the Karnataka High Court in the case of *Bhavani Revanna* (supra) the same pertains to an issue of preferential treatment to be given to the women. In the matter of the Karnataka High Court, the crime committed is as regards the abduction. There was no recovery to be made in the said case. Therefore, the court held that the Petitioner as a lady, should be considered in different footing by granting of anticipatory bail. The facts of the said order are also completely different. Therefore, it would not be applicable to the facts of the present case.

14 Considering the whole scenario, the physical presence of the applicant for interrogation is necessary for completion of investigation. Moreover, there is a possibility of the applicant pressurizing and threatening the witnesses and likely to tamper with evidence. If the applicant is enlarged on pre-arrest bail the forensic audit would be hampered and it will be difficult to identify how much actual amount has been embezzled and who all are involved in the crime.

15. In view of the above, I am convinced that there is no merits in the present anticipatory bail application and the same is required to be rejected. Hence, **anticipatory bail application stand rejected**.

(RAJESH S. PATIL, J.)