

MH010003992025

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, THANECriminal Bail Appln. No. 118/2025

Laxmi Suresh Yadav

.. Applicant.

Vs.

State of Maharashtra
(Through Navghar Police Station,
C.R.No. I -16/2025)

.. Prosecution.

ORDER BELOW EXH. 1
(Delivered on 1st day of February, 2025)

This is an application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short "BNSS") in Crime No. I-16/2025 registered with Navghar Police Station against the applicant for the offence punishable 61(2), 318(4), 316(2), r/w 3(5) of Bharatiya Nyaya Sanhita (in short 'BNS') Act & u/s 3, 4 of Maharashtra Protection of Interest of Depositors Act (in short "MPID") Act.

2] The prosecution's case in short, is as under :

i] It is alleged by the informant viz. Kapil Hasanuddin Usmani that he came to know that Torres Jewelry company has floated various schemes assuring heavy

returns. Accordingly he invested huge amount in said scheme. Some other persons have also invested huge amount in said scheme. Afterwards he came to know that said company had assured impossible and unreasonable returns and cheated. Hence, he lodge a report against owner and directors of said company.

3] Accordingly crime was registered at C.R.No.16/2025 for the offence punishable under section u/s 61(2), 318(4), 316(2) r/w 3(5) of BNS and u/s 3 & 4 of MPID Act at Navghar Police Station. During investigation applicant was arrested on 10/01/2025 and produced before this court on 10/01/2025. She was initially remanded to Police Custody till 15/01/2025 and thereafter taken in Judicial Custody.

4] The prosecution filed say at Exh. 4 and opposed to release the applicant on bail on the ground that, applicant has obtain the premises on live and license. She didn't informed about the offence to Commissioner of Police of Mira Bhayandar. With further usual grounds. Hence prayed for rejection of bail.

5] Heard Ld. Advocate for applicant Shri Trupen Rathod and Ld. Spl.PP Shri. V. G. Kadu for the State, investigating officer PSI Sandip Vaskoti. I.O. produced case diary for perusal.

6] The following points arise for my determination and I have recorded my findings thereon for the reasons stated below :

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1]	Whether applicant has made out prima facie case for releasing him on bail ?	.. Yes.
2]	What order ?	Application is Allowed.

: REASONS :

AS TO POINTS NO. 1 AND 2 :

7] The learned advocate for applicant submitted that, applicant is the whistle blower of the offence, she informed about the offence to CP Mumbai and Thane by e-mail on 30/12/2024. Her role is limited only with regard to obtaining premises on leave and license. She was not responsible for management of or conducting of the business or affairs of said company. She is suffering from Brain Tumor. The real culprits fled away. Applicant is ready to abide by the conditions imposed. Hence prayed for grant of bail.

8] On the contrary, the learned Spl.PP and I.O. submitted that offence is serious in nature. Investigation is not completed. Other co-accused are yet to be arrested. There is possibility of fleeing away. Hence, prayed for rejection of application.

9] From perusal of record and case dairy, it reveals that the role of applicant was limited to obtain premises on leave and license on the basis of power of attorney. The main culprits are citizen of Ukraine and they have fled away. It is not case of prosecution that applicant has induced investors or promised them the returns. Nothing is remained to be recovered or discovered from applicant. The alleged invested amount is not received by the applicant. Her role is limited as power of attorney holder.

10] Considering the role of applicant, nature of allegations against her, and her conduct of informing about the offence to police, I am of the view that applicant can be released on bail by imposing certain conditions. Hence, the following order :

ORDER

- 1] Bail Application No. 118/2025 is allowed.
- 2] Applicants **viz. Laxmi Suresh Yadav** in Crime No. 16/2025 registered with Navghar Police Station under Sections u/s 61(2), 318(4), 316(2) r/w 3(5) of BNS and u/s 3 & 4 of MPID Act shall be released on bail on furnishing P. R. bond of Rs. 1,00,000/- (Rupees One lakh only) with one solvent surety in like amount on following conditions :

a]	The applicant shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the police or Court or tamper the prosecution evidence.
b]	Applicant shall at the time of execution of bond, furnish a copy of adhar card, pan card, bank passbook of Nationalized Bank of himself and his three relatives to the Court, he shall also furnish their address and telephone/mobile number(s) and also inform about change in it.
c]	The applicant shall attend the concern police station once in a fortnight i.e. on 1 st and 16 th day of each month in between 10.00 a.m to 12.00 p.m till filing of charge-sheet.
d]	The applicant shall not commit an offence similar to the offence alleged against him.
e]	In case of breach of any of the conditions, the prosecution is at liberty to file application for cancellation of bail.
f]	The order be informed to applicant through jail authorities by e-mail.

(Order dictated and pronounced in the open Court.)

Date : 01/02/2025

(G.T. Pawar)
Spl. Judge (MPID), Thane