

MHRG170012132024



ORDER BELOW EXH. 35 IN SPECIAL CASE NO.92/2024
(Dated : 11/08/2025)

The applicant Vidya Ramakant Kamble has filed present application for bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita,2023.

2. In short the prosecution case is that, the informant Kanchan Yadav and her husband were searching for a rented accommodation on a heavy deposit basis. When they were searching online on OLX APP, they came across one advertisement. The informant made a contact on mobile number given in the said advertisement. The said phone number was of one Snehal Lokhande. When informant made an enquiry with her, she told her that one room was available. Said Snehal Lokhande thereafter called informant at Kharghar, where she got acquaintance with co-accused Minali Pande. At that time co-accused Minali Pande and Snehal Lokhande suggested informant to take a room on heavy deposit and they would get attractive rent for said room.

3. Acting on the suggestion given by co-accused Minali Pande and Snehal Lokhande, the informant entered into leave and license agreement for flat No.A-501, Aditya Planet, Sector 10, Kharghar and transferred a heavy deposit of Rs.4 Lakhs via NEFT to

bank account of present applicant, who is the owner of said flat. The said room was in possession of tenant Rinky and she was paying rent to Snehal Lokhande by Google-pay. Initially for the period of 2 months Snehal Lokhande transferred the amount of rent to the informant. Thereafter, for two months, co-accused Minali Pande transferred rent amount to the account of informant through Google-pay. But, since December 2023 she stopped paying rent amount to the informant. So informant asked present applicant and co-accused Minali Pande to return her amount of heavy deposit. However they failed to return it.

4. Thereafter co-accused Minali Pande made phone call to informant and told her that one person named Sachin Zende, who is known to her, was in financial crises. He has a room at Kamothe. Co-accused Mitali Pande suggested informant to take said room on heavy deposit. The informant and her mother decided to take a room for her sister and accordingly flat No F/203 situated at Alankapuri, Sector 10, Kamothe was taken on heavy deposit of Rs.4,50,000/-. Sachin Zende would transfer the rent online in informant's bank account. However, in October 2023 Sachin Zende refused to pay the rent. He told that he had paid the rent to co-accused Minali Pande. When informant asked him to return deposit amount, Sachin Zende told her that half amount was taken by co-accused Minali Pande.

5. Thereafter, informant and her husband went to co-accused Minali Pande and demanded their amount of heavy deposit. At that time co-accused Minali Pande, Snehal Lokhande, Sachin Zende and office boy Bhavesh were present there. They threatened

and abused them. They also threatened the informant that they would tie her husband in tyre and commit rape on her and make the video of rape viral.

6. The informant thereafter came to know that the present applicant and co-accused were running a racket of renting out flats on heavy deposits to multiple persons without possession or refund. So the informant approached Kharghar Police Station and lodged detailed report against applicant and co-accused. On the basis of report so lodged by informant, an offence came to be registered against applicant and co-accused vide c.r.No. 77/2024 for the offences punishable u/s. 420, 120(b), 504, 506 r.w. 34 of the IPC

7. Heard learned advocate Miss Aashi Narayan for the applicant and learned APP Shri Y. S. Bhopi for the opponent-State. Perused application, say filed by opponent-state at exh.36 and other material placed on record.

8. Miss. Narayan vehemently argued that the applicant has nothing to do with the crime in question. She has been falsely implicated in the crime in question solely on the ground that the flat No.A-501 was registered in her name and a deposit to the tune of Rs.4 Lakhs was transferred to her account via NEFT. Miss Narayan further argued that the applicant was not party to any representation made to the informant nor she was involved in any kind of inducement or misrepresentation. The applicant had no direct dealings with the informant except execution of the leave and license agreement. Subsequent transactions including rent payment were

handled entirely by co-accused Minali Pande and Snehal Lokhande. Miss Narayan further argued that it is evident from the FIR that the crime in question is based upon documentary evidence. The investigating agency has already seized the entire documents and after completion of investigation charge-sheet came to be filed against the applicant and co-accused. Miss Narayan further argued that the applicant was not informed of the grounds for her arrest. Prime accused Minali Pande is already enlarged on bail. Considering aforesaid aspects and on the ground of parity the applicant is entitled to be enlarged on bail. The applicant is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Miss Narayan prayed that the applicant be enlarged on bail.

9. In order to substantiate her submissions, Miss Narayan relied upon the Judgment delivered by **Hon'ble Bombay High Court in the case of Mahesh Pandurang Naik vs. The State of Maharashtra and Anr. 2024 GoJuris(BOMBAY HC) 6684** Wherein it has been observed by Hon'ble High Court that *"By the Amendment Act 25 of 2005 w.e.f.23/06/2006, Section 50-A is introduced, making it imperative for every police officer or other person making arrest under the Code to forthwith give information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed/nominated by the arrested person for the purpose of giving such information. Sub-section (2) of Section 50-A further makes it mandatory for the police officer to inform the person arrested, of his rights under sub-section (1) as soon as he is brought to the police station and the entry of the fact as to who has been informed of the*

arrest of such person shall be made in a book to be kept in the police station, in such form as may be prescribed in this behalf by the State Government.”

10. Per contra, Shri. Bhopi, the Ld. Spl. PP submitted that the offence is serious. The involvement of applicant in the crime in question is well established. She by joining hands with co-accused duped the informant and others to the tune of Rs.69,50,000/-. Considering the gravity of the crime in question and allegations leveled against applicant, if she is enlarged on bail, definitely she will bring pressure on material witnesses. The possibility of applicant fleeing away from the course of justice also cannot be ruled out. Hence, Shri. Bhopi prayed that the application be rejected.

11. I have given thoughtful consideration to the submissions advanced by both the learned advocates. I have also gone through the material placed on record. On perusal of papers prima-facie it appears that all the material allegations have been leveled against prime accused Minali Pande, who is already enlarged on bail. Furthermore, it is pertinent to note that the crime in question is revolving around the document based evidence. The investigating agency has already procured the entire evidence and after completion of investigation has filed charge-sheet against applicant and co-accused. Moreover, it also appears from papers that the applicant was not informed of the grounds for her arrest. The applicant is languishing in the jail since 16/04/2024. In view of aforesaid aspects, I am of the opinion that further detention of applicant in jail is not warranted. So far as the apprehension raised

by Ld. Spl. PP is concerned, it can be taken care by imposing certain conditions upon the applicant. Resultantly, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Vidya Ramakant Kamble shall be released on bail in Spl. Case No.92/2024 arising out of Cr.No.77/2024 registered with Kharghar Police Station on her executing PR bond in the sum of Rs.50,000/- with one surety in the like amount.
3. The applicant shall attend the Kharghar Police Station as and when required by the concerned investigating officer.
4. The applicant shall attend the Special Court on each date of hearing without fail.
5. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or any police officer.
6. Copy of this order be sent to concerned jail authority.

Date :- 11/08/2025.

(S. R. Ugale)
Additional Sessions Judge,
Panvel

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer	--	S. G. Padwal, Stenographer(Grade-2)
Court	--	District Court-1 & Additional Sessions Court, Panvel
Date	--	11/08/2025
Order signed by the Presiding Officer on	--	11/08/2025
Order uploaded on	--	12/08/2025