

B.A.1624/2024

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MHCC020101082024



IN THE COURT OF SESSIONS FOR GREATER BOMBAY
AT BOMBAY

CRIMINAL BAIL APPLICATION NO.1624 of 2024

IN

C.R.NO.34 OF 2020

Mrs. Poonam Charandas Khanna

Vs.

The State of Maharashtra

(Inspector of Police-Kherwadi
Police Station, Mumbai) vide their
C.R.No.34/2020

...Respondent

**CORAM: HH THE ADDL.SSESSIONS JUDGE
SHRI. V. M. SUNDALE
(Court Room No.27)**

DATE : 19th July 2024

Ms. Nasima Battiwala, learned advocate for applicant.
Ms. Ratnavali Patil, learned APP for State/Respondent.
Shri Umesh Iyer, learned advocate for intervener.

ORDER

01. The applicant Poonam Charandas Khanna has filed this application under Section 439 of the Code of Criminal Procedure for granting bail in connection with Crime No.34/2020 registered with Kherwadi Police Station, Mumbai for the offences punishable under Section 420 and 406 r/w. 34 of the Indian Penal Code.

02. In short, it is the case of prosecution that the informant Mr.Ashok Govindram Mohanani is a builder. He was looking for a lawyer to represent him in two legal proceedings pending in City Civil Court. The friend of informant introduced him to the present applicant. The applicant represent herself as a practicing lawyer in the Supreme Court and assured to represent him in the two proceedings pending in the City Civil Court. The applicant has demanded legal fees of Rs.15,00,000/-. The informant has paid Rs.10,00,000/- to the applicant as advance. It is further alleged that the informant had started construction at Village Donare, Boling/Chikhal Dongre, Vasai. However, M.S.E.B. had not installed electric transformer due to which the informant could not get electricity supply. In the result, the informant and several other builders were suffering loss due to non installation of electricity transformers. The informant discussed the above issue with the applicant and she assured to file appropriate legal proceeding to get electric transformer, but she demanded Rs.3 Crore with advance of 50%. The informant and other builders requested the applicant and after discussion agreed to pay Rs.2,11,00,000/-. In this regard Memorandum of Understanding was prepared, wherein it was agreed

that an amount of Rs.51,00,000/- would be paid prior to installation work with an undertaking to refund the said amount if there is delay in completing the work. It is alleged that on 05/01/2019, the driver of the applicant received the said amount from one Lilesh Haldankar. Thereafter on 08/01/2019 an amount of Rs.20,00,000/- was again sent to the house of one Vijay Mohnani and the said amount was also received by the driver of the present applicant. However, the applicant did not complete the work as per the MOU and did not initiate any legal proceeding. In such background the informant asked the applicant to return his money. The applicant issued cheque of Rs.10,00,000/- but she stopped the payment. Thereafter the applicant made inquiry about the applicant and he learnt that the applicant was not an advocate and she deceived several persons in the same manner. Hence, the informant lodged report against the applicant.

03. The investigating officer through learned APP filed reply (Exh.04) and opposed the application. It is contended that the applicant deceived several persons by falsely representing to be an advocate of the Supreme Court. In this regard, total nine criminal cases are registered against the applicant in several police stations. In the course of investigation it is transpired that the information given by the applicant in respect of her residential address is false. In the course of investigation it is also transpired that the applicant is not law graduate and she is not a practicing lawyer, but in MOU she has stated her profession as an advocate. In such circumstances, if the applicant released on bail there is possibility of committing similar offences, pressurizing the prosecution witnesses and fleeing away from justice. Hence, the investigating officer prayed to reject the application.

04. The informant Shri Ashok Govindram Mohanani appeared as an intervener through advocate and opposed the application on the similar grounds which are raised by the investigating officer in his reply.

05. Heard Ms. Nasima Battiwala, learned advocate for applicant, Ms. Ratnavali Patil, learned APP for prosecution and Shri Umesh Iyer, learned advocate for intervener.

06. I have carefully gone through record with reference to submission of both the sides. It appears that pre-arrest bail application filed by the applicant came to be rejected by this Court as well as by the Hon'ble High Court and Hon'ble Supreme Court. It appears that the Hon'ble Supreme Court rejected the pre-arrest bail application filed by the applicant as per the order dated 10/01/2024. However, the applicant did not appear before the investigating officer. The investigating officer searched whereabouts of the applicant and arrested her on 19/01/2024. Thereafter, the applicant was produced before the learned Metropolitan Magistrate. The investigation of the crime is completed and charge-sheet is filed before the learned Metropolitan Magistrate. The investigating officer opposed the application mainly on the ground that the applicant is having criminal antecedents and total nine criminal cases are registered against her in different police stations. It further appears that similar crime are registered against the applicant in Haryana State. In this regard the investigating officer as well as intervener placed on record certified copies of First Information Report in C.R.No.27/2024 and 302/2024. In the course of investigation it is transpired that the applicant is not law graduate and she has deceived several persons by falsely representing to be an advocate. It further appears that total 11 criminal offences are registered against the

applicant in Maharashtra and Haryana State. The applicant has no permanent abode. In the course of investigation the applicant had given false information about her residence. The applicant not only cheated the public at large but she also attempted to disrespect the noble legal profession. The offence is serious and there is sufficient prima facie evidence against the applicant. The apprehension placed on record by the investigating officer in respect of pressurizing the prosecution witnesses and fleeing away from justice are well founded. In the facts and circumstances it will not proper to release the applicant on bail. Hence, the following order is passed.

ORDER

1. Criminal Bail Application No. **1624 of 2024** is rejected.
2. Thus, Criminal Bail Application No. **1624 of 2024** stands disposed of.



VIRBHADRA
MAHADAPPA
SUNDALE
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by VIRBHADRA
MAHADAPPA
SUNDALE
Date: 2024.07.20
14:59:27 +0530

(V. M. Sundale)
Addl. Sessions Judge,
City Civil & Sessions Court,
Gr. Mumbai

19/07/2024

Dictated on : 19/07/2024
Transcribed on : 20/07/2024
Signed on : 20/07/2024

<u>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</u>		
Upload Date	Upload Time	<u>Name of Stenographer</u> Mrs. M.S. Putta
20/07/2024	2.45 p.m.	
Name of the Judge (With C.R. No.)		HHJ Shri VM.Sundale (C.R.No. 27)
Date of Pronouncement of JUDGEMENT /ORDER		19/07/2024
JUDGEMENT /ORDER signed by P.O. on		20/07/2024
JUDGEMENT /ORDER uploaded on		20/07/2024