IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 157 OF 2015

Surekha Manohar More .....Applicant

V/s.

The State of Maharashtra ....Respondent

Mr. Amey Deshpande for Applicant
Ms. Vira Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 4, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 3 of 2015 registered at Indira Nagar Police Station for offence punishable under section 420 r/w 34 of Indian Penal Code along with section 3 of Maharashtra Protection of Interest of Depositors Act, 1999.

2) It is the case of prosecution that on 06/01/2015, Vikas Deshmukh lodged a report at the police station alleging therein that present applicant and her husband are working as agents of Himbus Construction Company. That they had approached the complainant and requested him to invest in the said

company. It is further alleged that company had assured the investors that they would book a flat in the name of complainant and for the next 3 years, complainant/investors would receive an amount of Rs. 15,000/- per month. It is also alleged that an amount of Rs. 1500/- would deducted towards T.D.S. (Tax Deduction at Source) and a certificate to that effect would be issued. Complainant had made an investment of Rs. 1,50,000/- in Himbus Construction Company. Payment was made by cheque in favour of Company on 31/12/2012. For the first three months, complainant had received returns i.e. returns of Rs. 3500/- per month, but, thereafter, Company had not given any returns. It is also alleged that husband of the applicant was giving evasive answers and did not reply to the call of the complainant/investors. Office was closed and therefore, complainant was constrained to approach the Police Commissioner of Nashik. Police Commissioner had called upon the complainant to file a formal report, however, due to his busy schedule, he could not go to the police station. Finally he has lodged a report on the basis of which crime no. 3 of 2015 is registered.

3) Learned counsel for the applicant submits that applicant has no role to

play as her husband was the agent of the company. According to him, husband was arrested and has been enlarged on bail. The promoter of the company is not yet protected by any orders of the Court. Learned APP submits that promoter of the company happens to be brother of the present applicant. Learned counsel for the applicant further submits that there is an inordinate delay in lodging the F.I.R. and there is no plausible explanation for the inordinate delay. Hence, according to learned counsel, custodial interrogation is not warranted.

4) Learned APP submits that there are several people who have been cheated in similar manner by the said company. The promoter of the company who happens to be brother of the applicant had floated the scheme and the said scheme was being introduced and promoted by the applicant and her husband.

5) It is necessary to curb the tendency of cheating people at large by introducing them to invest their hard earned money in companies which are floated only for the purpose of earning personal benefits for the promoters

and agents. In view of this, applicant does not deserve discretionary relief in grant of pre-arrest bail. In the eventuality that applicant files an application under section 437 of Code of Criminal Procedure, 1973 before Sessions Court, learned Sessions Judge shall decide the application on its own merits, without being influenced by the fact that application seeking pre-arrest bail has been rejected.

O R D E R

(i) Application stands rejected.

(ii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)

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