IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.

Criminal Application No. 4456 of 2016

District : Parbhani

Kishor Sitaram Kude,
Age : 40 years,
Occupation : Agriculture,
R/o. Pangarkar Nagar,
Ambad Road, Jalna,
District : Jalna. .. Applicant.

versus

1. The State of Maharashtra,
   Through Police Station,
   Pathri, Dist. Parbhani.

2. The Superintendent of Police,
   Parbhani, Dist. Parbhani. .. Respondents.

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Mr. S.J. Salunke, Advocate, for the applicant.

Mr. S.D. Ghayal, Addl. Public Prosecutor, for respondent nos.1 and 2.

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CORAM : A.M. BADAR, J.

DATE : 19TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 174/2014, for offences punishable under Sections 406, 420, 424, 424, 465, 467, 468, 471, 474, 201, 109, read with Section 34 of the Indian Penal Code; under

Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, and under Sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, by this application, is praying for pre-arrest bail.

2. Heard the learned Counsel for the applicant as well as the learned Addl. Public Prosecutor.

3. The learned Addl. Public Prosecutor opposed the application by contending that name of the present applicant is stated by several investors as a person who had allured them to invest in the Money Plant Group in order to gain huge returns by the investors.

4. Perused the charge-sheet. According to the prosecution case, Munjaji Dukare and his associates formed a group named as Money Plant Group, Pathri. They are also shown to have established Power Money Dreams Company, Pathri, and thereby accepted deposits from several investors. So far as present applicant is concerned, according to the prosecution case, he has allured several investors to invest in the Money Plant Group. Ultimately, it is found that investors are cheated by accused persons.

5. Now, investigation is over and charge-sheet

is filed against accused persons. The learned Addl. Public Prosecutor is not in a position to point out from the charge-sheet, as to whether some amount, from the amount collected by accused persons by cheating several investors, went to the share of present applicant. The learned Counsel for the applicant drew my attention to list of investors filed with the charge-sheet and pointed out that the applicant is also victim of the crime, in question, as his wife had invested huge amount in the Money Plant Group created by accused persons.

6. Considering the nature of accusation against present applicant, so also, evidence available against him, custodial interrogation of the applicant is not warranted and, therefore, the order :-

(i) The application is allowed.

(ii) The applicant / accused in the above crime, in the event of his arrest, be released on bail, on his furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more solvent sureties of the like amount.

(iii) As a condition of this order, the applicant / accused shall attend concerned Police Station on 30th August 2016, in between 11.00 a.m. and 01.00 p.m. and cooperate the Investigating Officer in investigation of the crime in question. The applicant shall also attend the Police Station, in future, as and when reasonably called by the Investigating Officer for the purpose of further investigation.

(iv) 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 either to the Court or to any police office.

(v) The applicant shall not tamper with the prosecution evidence in any manner whatsoever.

7. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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