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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4727 OF 2016
WITH
CRIMINAL APPLICATION NO. 4728 OF 2016**

Govind s/o Rajaram Pawar,
Age: 49 years, Occu: Service,
R/o Prabhawati Nagar, Parbhani,
Taluka and District Parbhani

..APPLICANT

VERSUS

1. The State of Maharashtra,
(through Nanalpeth Police Station,
Parbhani, Taluka & District Parbhani
2. The Superintendent of Police,
Parbhani
3. The Police Station Incharge,
Nanalpeth Police Station,
Parbhani, Tq. & Dist. Parbhani

..RESPONDENTS

Mr N. K. Kakade, Advocate for applicant;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondents

CORAM : A.S. CHANDURKAR, J

DATE : 13th December, 2016

ORAL ORDER :

The applicant apprehends his arrest in Crime Nos. 218 of 2014 and 33 of 2015 registered at Nanalpeth Police Station, Dist. Parbhani, for the offences punishable under Sections 420, 406, 465, 468, 471, 120-B of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

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2. As per the first information report, certain investors, who had invested the amounts with one K.B.C. Company had made grievance that the invested amounts had not been repaid. The applicant had been introduced as an agent of the said Company that was collecting deposits and on that basis he was named in the first information report.

3. It is submitted by the learned Counsel for the applicant that the applicant is working as a Librarian in D. S. M. College, Parbhani and he has no concern with the aforesaid investments. He submits that the applicant himself was a investor and that he alongwith similar other persons had occasion to approach this Court in Writ Petition No. 5161 of 2015 for raising grievance in that regard. It is further submitted that the main accused has been arrested and all material has been seized and therefore no need of any custodial interrogation of the applicant.

4. The applications are opposed by the learned Addl. Public Prosecutor by relying upon police papers. It is submitted that the statements of various investors indicate active role played by the applicant in collecting deposits. It is further submitted that the applicant's wife has been receiving commission/brokerage for aforesaid transactions and she has been shown to have paid taxes in that regard. It is therefore submitted that the applicant is not entitled for protection.

5. I have perused the documents filed on record alongwith police papers. The statement of one Taramati Budhwant indicates that she had

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invested amount of Rs. 6,86,400/- in the aforesaid Company through the applicant. The applicant had issued four vouchers to her. Other statements recorded indicate the role of the applicant as an agent. The T.D.S. certificate collected by the prosecution indicates that income being received by the applicant's wife through commission or brokerage. It is not the case of the applicant that his wife was acting as an agent of the aforesaid Company.

6. Considering the material collected so far as by the prosecution, I do not find that any case for grant of protection to the applicant is made out.

7. By clarifying that the observations made in the present order are only for deciding the bail applications, the same stand rejected.

8. At the request of the learned Counsel for the applicant, ad interim protection granted earlier, to continue for a period of four weeks from today. The said protection shall come to an end after said period.

[A.S. CHANDURKAR]
JUDGE

sjk