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

**CRIMINAL APPLICATION NO. 4962 OF 2016**
**CRIMINAL APPLICATION NO. 5976 OF 2016**
**CRIMINAL APPLICATION NO. 5995 OF 2016**

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**CRIMINAL APPLICATION NO. 4962 OF 2016**

Ganesh s/o. Kakasaheb Sable .. Applicant
Age. 29 years, Occ. Agriculture,
R/o. Village Tulapur Aliyabad,
Tal. Paithan, Dist. Aurangabad.

Versus

The State of Maharashtra & Anr. .. Respondents

**WITH**
**CRIMINAL APPLICATION NO. 5976 OF 2016**

1. Shankar Prakash Nikam .. Applicants
   Age. 36 years, Occ. Business,
   R/o. Shendurwada, Tal. Gangapur,
   Dist. Aurangabad.

2. Arun s/o. Chandrabhan Mogal
   Age. 30 years, Occ. Business,
   R/o. Shivaji Nagar, 12th Scheme,
   Aurangabad.

3. Sandip Shridhar Bande
   Age. 29 years, Occ. Business,
   R/o. Nilajgaon Phata, House No.57,
   Bidkin, Tal. Paithan,
   Dist. Aurangabad.

4. Raviraj Jawahar Rathod
Age. 27 years, Occ. Business,
R/o. Gut No.63, Plot No.251,
Satara Parisar, Aurangabad,
Tal. & Dist. Aurangabad.

Versus

The State of Maharashtra & Anr. .. Respondents

**WITH**
**CRIMINAL APPLICATION NO. 5995 OF 2016**

1. Rajendra s/o. Dadasaheb Bhuse, .. Applicants
Age. 35 years, Occ. Business,
R/o. Chapadgan, Tal. Shevgaon,
Dist. Ahmednagar.

2. Parmeshwar Raosaheb Londhe,
Age. 35 years, Occ. Business,
R/o. House No.236, Shivajinagar,
Jalna, Tal. & Dist. Jalna.

Versus

The State of Maharashtra & Anr. .. Respondents

Mr.R.S. Deshmukh, Advocate for applicants.
Mr.S.P. Sonpawale, APP for respondent/State.

**CORAM : A.M. BADAR,J.**
**DATED : 27.10.2016**

**P.C. :-**

1. Applicants – Ganesh Sable, Shankar Nikam, Arun Mogal, Sandip Bande, Raviraj Rathod, Rajendra Bhuse and Parmeshwar Londhe, who are accused in Sessions Case

(MPID) No.3 of 2016, arising out of Crime No.231 of 2016, registered with MIDC Waluj Police Station, Dist. Aurangabad, for offences punishable under sections 406, 420, 107, 109, 114, 120-B read with section 34 of the Indian Penal Code and under sections 3,4(1)(ii) of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 and under section 66(D) of the Information Technology Act, 2000, amended 2008 and under sections 4,5 and 6 of the Prize Cheats and Money Circulation Schemes (Banning) Act, 1978, by these applications, are seeking their release on bail, after filing of charge-sheet.

2. Heard learned Counsel for applicants/accused. He argued that in-fact applicants are investors in the company. They are not Directors of the company. The prosecution is alleging that they are Agents, promoting business of the company. Learned Counsel further argued that charge-sheet shows the amount by which each applicant is benefited and all applicants are ready to deposit the entire amount standing against their name in the charge-sheet, with the concerned Court. Learned Counsel for the applicant further argued that yesterday i.e. on 26.10.2016, applicants have approached the concerned Special Judge by moving appropriate application for accepting the deposit of amount from applicants and

applicants were ready with that amount before the learned Special Court. However, learned Special Court did not accept the amount, which applicants were ready and willing to deposit.

3. Learned A.P.P. opposed the application by contending that applicants are involved in an economic offence of cheating more than 5000 investors and therefore they are not entitled for bail.

4. I have considered the rival submissions and perused the charge-sheet. As per the charge-sheet, applicant – Ganesh Sabale is financially benefited by Rs.2,17,600/-, applicant - Shankar Nikam is financially benefited by Rs.4,49,248/-, applicant – Arun Mogal is financially benefited by Rs.4,63,578/-, applicant – Sandip Bande is financially benefited by Rs.8,28,608/-, applicant – Raviraj Rathod is financially benefited by Rs. 1,01,600/-, applicant – Rajendra Bhuse is financially benefited by Rs.5,41,408/- and applicant – Parmeshwar Londhe is financially benefited by Rs.1,40,800/-. Learned Counsel for applicants submits that as learned Special Judge refused to accept deposit of amounts from applicants, if this Court directs, all applicants are ready and willing to deposit the entire amount by which they are allegedly benefited in this crime before the

Special Court at Aurangabad. Considering the fact that applicants are not directors of the company in question and the role attributed to them is canvassing for business of the company and financial returns for services rendered by them, in the interest of justice, applicants may be permitted to do so. If applicants make necessary application for depositing the entire amount standing against them in the charge-sheet, then the learned Special Court should accept the deposit of said amounts from applicants.

5. According to the prosecution case as reflected from the charge-sheet, accused No.1 – Dipak Suryawanshi and his wife – Kalyani Suryawanshi were Directors of Dees Trulife Vision Private Limited, a company registered under the Companies Act. Certificate of the IDBI Bank on record page No.408 is clear on this aspect. It is, thus, clear that none of the applicant was director of the said company.

6. Statements of P.S.I. Khandagale, Kishor Pol, Sidharth Gangawane, Ashok Khare and others show that present applicants were virtually acting as Agents of the Dees Trulife Vision Private Limited and were canvassing for investment in the said company, which was allegedly doing business of multi-level marketing. According to

the prosecution case, each investor in the said company was required to make other persons as members of multi-level marketing and for that purpose various groups named as Rubi Club, Silver Club, Gold Club, Platinum Club were formed. Investors were allured with assurance of rosy returns and foreign trips. In this way, according to the prosecution case, 5415 investors were allured to deposit amounts in the said company. Present applicants are stated to be members of groups in the name of several clubs formed by the company. Statements of witnesses show that they were promoting others to invest in the company.

7. The investigation of the crime in question is over. The amount amassed allegedly by each applicant as per prosecution case is being deposited by applicants before the learned Special Court, as per willingness shown by them. In this view of the matter, further pre-trial detention of present applicants is not warranted. As such the following order :-

**O R D E R**

i) Applications are allowed.

ii) Applicants/accused – Ganesh s/o. Kakasaheb

Sable, Shankar Prakash Nikam, Arun s/o. Chandrabhan Mogal, Sandip Shridhar Bande, Raviraj Jawahar Rathod, Rajendra Dadasaheb Bhuse and Parmeshwar Raosaheb Londhe, in Sessions Case (MPID) No.3 of 2016, arising out of Crime No.231 of 2016, registered with MIDC, Waluj Police Station, Dist. Aurangabad, for offences punishable under sections 406, 420, 107, 109, 114, 120-B read with section 34 of the Indian Penal Code and under sections 3,4(1)(ii) of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 and under section 66(D) of the Information Technology Act, 2000, amended 2008 and under sections 4,5 and 6 of the Prize Cheats and Money Circulation Schemes (Banning) Act, 1978, after depositing the entire amount standing against their names in the charge-sheet with the learned Special Judge (MPID), Aurangabad, be released on bail on executing P.R.Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount, by each of them.

iii) As a condition of this Order, applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

iv) Applicants shall not tamper the evidence of the prosecution.

v) Applicants to co-operate the trial Court in the expeditious disposal of trial against them.

**[A.M. BADAR,J.]**