

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 800 OF 2016

1. Sachin Ashok Agarwal	)	
2. Navin Ashok Agarwal	).. Applicants	
Vs.		
The State of Maharashtra	.. Respondent	

Mr. Aniket U. Nikam, Advocate for the applicants.
Mrs. Veera Shinde, APP, for the State.
Mr. Rajendra Mulik, PI – EOW, Pune.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 26th August, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.100 of 2016 registered at Shivaji Nagar Police Station for the offences punishable under Sections 420, 417, 120B, 467, 468, 471, 409 read with Section 34 of the Indian penal Code. The applicants were granted interim protection by the Hon'ble Predecessor Bench vide order dated 3.5.2016. A statement was made before the Hon'ble Bench that the company of the applicants had received a sum of Rs.3,74,00,000/- on line and a sum of Rs.2,90,00,000/- had been refunded so far. The applicant showed his willingness to refund

the balance amount of Rs.80,00,000/-. Pursuant to the said order, the applicants herein had handed over the copies of the demand drafts to the investigating officer.

2. The learned APP, upon instructions from the officer, submits that the applicants had paid demand drafts. That most of the people have been refunded. The I.O. has issued notice to 178 people and they have not yet responded.

3. In view of this, the application deserves to be allowed. It is made clear that the application has not been decided on merits. Only taking into consideration the fact that the interim protection was granted by the Hon'ble Predecessor Bench on the ground that the amount should be refunded.

4. The observations made hereinabove are prima facie and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed.

(ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(iii) The applicants shall report to the concerned police station on four consecutive Saturdays commencing from 3.9.2016 between 10 a.m. to 12 noon and co-operate with the investigating agency to the best of their capacity.

The Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)