

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1229 OF 2016

Mr.Ramkrishna Shankar Bhatkar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Naman Jafri i/b.Mr.Mukund S. Mane, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent/State.

....

CORAM : P. N. DESHMUKH J.

DATED : 26th JULY 2016.

P.C.

1 Heard learned counsel for both sides.

2 This is application for grant of anticipatory bail by accused No.2 Ramkrishna Bhatkar involved in Crime No.23 of 2016 registered by Vikroli Police Station on 16/01/2016 for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Investors Deposit Act, 1999.

3 Perused the FIR, which is registered against six accused persons. It is stated that accused No.1 Aruna is wife of

present applicant and is in custody while co-accused Nos.3,4 and 5 are granted anticipatory bail by the learned Sessions Court and co-accused No.6 Usha Nair is granted regular bail.

4 Learned counsel for the applicant had referred to contents of FIR as well as that of remand applications dated 25/05/2016 and 30/05/2016, when co-accused Aruna and Usha were produced for remand, and by referring these documents has submitted that neither in FIR nor the remand reports involvement of applicant is found anywhere and has, thus, contended that learned Sessions Court without considering these aspect have rejected the relief sought by applicant.

5 Perused the documents filed with the application and the case diary made available by the The learned Additional Public Prosecutor. On perusal of report lodged by Nilesh Kamtekar, it appears that main role is attributed to Smt.Aruna Bhatkar wife of applicant and accused No.4 Usha Nair, both of whom saying that they were conducting *bishi*, collected huge amounts form complainant and others saying that they would be offering interest at the rate of 3% on the said amount and after lapse of six months shall return double the amount whatever is invested, and accordingly, collected huge amount from various persons.

6 From further contents of report, it reveals that complainant after investing around 30,00,000/- from 2009 to

2011, was regularly paid interest as agreed. However, thereafter, no interest was paid nor principle amount was returned by the co-accused Aruna Bhatkar and Usha Nair. From further contents of report it also reveals that complainant also informed about such investment Scheme to his sisters namely Sanjivini Gaikar and Sweta Raut, who in the month of January 2010 and October 2011, invested money with co-accused Aruna Bhatkar and on one occasion Smt.Sweta Raut had provided amount of Rs.13,00,000/- to applicant Ramkrishna in his house situated at Kananamwarnagar Vikroli (East). Applicant's involvement is, thus, established, as he along with his wife and co-accused in spite of accepting huge amount from investors failed to pay the interest nor refunded the principal amount, which as per FIR is to the extent of Rs.2,20,00,000/-. In that view of the matter, there is no substance while it is contended that no role is attributed to the applicant.

7 The learned Sessions Court, while rejecting the application, in addition to above, noted that applicant apart from present crime is already charge-sheeted by EOW in similar crime bearing Crime No.29 of 1994 which is pending, learned counsel for the applicant have not disputed fact of registration of crime against applicant, as aforesaid, in 1994. It, thus, appears that in spite of involvement as aforesaid, applicant has indulged in similar crime along with his wife. The learned Additional Public

Prosecutor from the original documents has also referred to manner of signature done by co-accused Aruna Bhatkar wife of applicant. On perusal of same it clearly establishes that said lady is illiterate and as such, *prima facie* it is found that it is the applicant who is brain behind present crime, which is committed by him along with co-accused thereby duping various customers.

8 In that view of the matter, no case is made out for grant of anticipatory bail.

9 Application is rejected.

(P. N. DESHMUKH J.)