

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1621 OF 2015

Kumar Dnyaneshwar Suryawanshi	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. B.G. Tangsali, Adv. for the applicant.

Mr. J.H. Ramugade, APP for the State.

Mr. Dattatray K. Pardeshi, PSI, CID Crime , Nashik present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.45 of 2011 registered at Adgaon Police Station, Nashik for the offences punishable under Sections 409 and 402 r/w. 34 of the IPC.

2. The case of the prosecution in brief is that one Harish Dixit had induced several farmers to supply Emu eggs by representing that he would pay to them Rs.2,000/- per egg along with interest. Said Dixit had also induced several persons to deposit money in Indian Emu Pvt. Ltd. on an assurance that they would earn huge profit on the said amount. The complainant Shri Dadasaheb Gaikwad was one of

such persons who had invested sum of Rs.1.50 lacs on an assurance that he would receive Rs.2,79,000/- after a period of 33 days. The complainant has alleged that said Dixit refused to pay the said amount. Having realised that he was deceived and cheated, the complainant lodged the FIR dated 29th April, 2011 before the Adgaon Police Station, pursuant to which the aforesaid crime came to be registered.

3. Mr. Tansali, the learned counsel for the applicant submitted that the present applicant was only an employee of said Dixit. He has submitted that the applicant and his family members had also invested money in the said company and that he himself is a victim of the said crime.

4. Mr. Ramugade, the learned APP for the State submitted that the applicant was involved in committing the crime and hence he is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that the main accused Harish Dixit had

deceived several persons by inducing them to deposit money in his company on an assurance that they would earn huge profits. Said Dixit had neither returned the principal amount nor paid the profits / interest as assured and had thereby cheated several investors.

6. The records prima facie reveal that the applicant herein was only an employee of the company. There is no material on record to show that he derived any benefits from the said investments or that he was in any manner associate with the company. On the contrary records prima facie reveal that the other investors, or the family members of the applicant had also invested money in the said company and that the applicant is himself a victim of the said crime.

7. Considering all the above facts and circumstances the application is allowed under the following terms and conditions.

1. In the event of the arrest of the applicant in Crime No.45 of 2011 registered at Adgaon Police Station, Nashik, the applicant shall be released on bail bond of Rs.40,000/- (Rupees Forty thousand only) with one surety in the like amount to the satisfaction of the Addl. Sessions Judge, Nashik.

2. The applicant shall report to the investigating officer for 7 days from 10 am to 1 pm from the date of receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.

3. The applicant shall not leave Nashik district till filing of the chargesheet without prior permission of Addl. Sessions Judge, Nashik.

(ANUJA PRABHUDESSAI, J.)