

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.122 OF 2016

(Shantanu s/o Wasudeo Kurhekar ..vs.. State of Maharashtra, through PSO, Wadgaon Road, Yavatmal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 08-03-2016

Heard Shri R.J. Mirza, Advocate for the applicant
and Shri R.S. Nayak, Additional Public Prosecutor for the
non-applicant.

2. The applicant is seeking pre-arrest bail
apprehending arrest in crime registered against him for
offences punishable under Sections 406 and 420 read
with Section 34 of the Indian Penal Code.

3. The allegations of the prosecution are that
complaint was lodged by Ashok Makde stating that he
alongwith six others had attended the investors camp
organized by Shreesurya Investment Company in April
2011 and influenced by various schemes floated and
propagated by Sameer Joshi, the complainant and others
invested huge amount with Shri Shreesurya Investment
Company. However, the returns as agreed were not
given to the investors. It is alleged that one of the
investor Abdul Munaff Abdul Samad has stated that he is
enrolled as member and the investment which he made

was through the applicant.

4. The application is opposed on the ground that five crimes are registered against the applicant for similar offences and that if he is released on pre-arrest bail, then he may tamper with the evidence and pressurize the witnesses.

5. Shri A.J. Mirza, Advocate has submitted that in respect of four crimes, the applicant has been released on regular bail and as far as the fifth crime is concerned, the same is not registered against him, but is registered against some three other persons. It is further submitted that co-accused Mrs. Pallavi Sameer Joshi is granted bail by this Court, by the order dated 14-07-2015.

6. The charge-sheet is filed. Except for the apprehension of the non-applicant as recorded earlier, the non-applicant has not been able to show that custodial interrogation of the applicant is required for further investigation.

7. Considering the nature of allegations against the applicant and the facts recorded above, in my view, the applicant is entitled for pre-arrest bail.

8. Hence, the following order :

- i) In the event of arrest in Crime No.82/2015 registered by the non-applicant, the applicant be released, on furnishing P.R. Bond for Rs.50,000/- and one solvent surety in the like amount.
- ii) The applicant shall deposit his passport with the Investigating Officer within one week.
- iii) The application is allowed in the above terms.

JUDGE

pma