IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2621 OF 2017

Janardhan s/o Arvind Parulekar ... **Applicant**
Age 49 Years, Occu: Business,
R/o A004, Rajhans Dreams, Steela,
Wasai (West), Dist. Palghar

VERSUS

The State of Maharashtra ... **Respondent**
Through Nanalpeth Police Station,
Parbhani, Dist. Parbhani

Mr. Santosh S. Jadhavar, Advocate for the applicant
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 14th June, 2017

ORDER:

1. Heard Mr. Jadhavar, learned counsel for the applicant and Mr. Lokhande, learned APP for the State.

2. This is an application under section 439 of the Criminal Procedure Code in connection with Crime No.322/2016 registered with Nanalpeth Police Station, District Parbhani for the offences punishable under sections 420, 406, 465, 468, 471 read with Section 34 of the Indian Penal Code and

under sections 3 and 4 of the MPID Act.

3. One Sushma Sanjay Wathore lodged complaint with the Nanalpeth Police Station alleging therein that the accused persons including the present applicant have established companies in the name of Maitreya Services, Maitreya Plotters & Structures Ltd and Maitreya Suvarna Sandhi and started their office at Parbhani, assuring investors to pay them pension of Rs.20,000/- per month, publishing various attractive offers of return on investments. In response to the advertisements published by the said Company, she became member of the said Company and had worked for the said Company. There was huge transaction of the Company during the period form 2010 to 2014 and during that period, in all 133 branches of Maitreya Company were established allover the country. Investors were paid returns till the year 2015 and after the people trusted the said Company, the applicant/accused persons have not paid their returns. Cheques issued in favour of the investors were dishonoured. Therefore offence is registered against the applicant and other office

bearers of the company as stated above.

4. During investigation, the accused was arrested and was remanded to MCR. After completion of investigation, the applicant moved the learned Additional Sessions Judge for bail, however, it is rejected.

5. M. Jadhavar, the learned counsel for the applicant states that Chairman of the Company namely Varsha Mudhusudan Satpalkar has paid substantial amount i.e. Rs.4,75,33,372/- in reference to another crime registered at Nashik.

6. On perusal of the report SEBI, in para 11 it is specifically mentioned that MPSPL's directors namely Varsha Madhusudan Satpalkar and present applicant Mr. Janardan Arvind Parulekar were directed not to access the capital market and were restrained and prohibited from buying selling or otherwise dealing in the securities market till all collective investments schemes of MSPL are wound up and all the monies mobilized through them are refunded to the investors. Learned APP, referring to

relevant report of SEBI and statements of witnesses namely Vaijyanta and Maroti, pointed that even after the order passed by SEBI, the present applicant/ accused persons have accepted the investment of some witnesses/investors and receipt to that effect were passed on to such witnesses. I think this is a clearcut contravention of the order of authority like SEBI. From which, it appears that the present applicant/accused person has no fear of law and instead of specific directions, he accepted the investments in contravention of the orders. Further, the offence is relating to investment from various persons in crorers of rupees. From the record, it is seen that the office under sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act) is also registered. Therefore, it is necessary to refer the statement of object and reasons of the said Aact, which reads thus:

> “There is a mushroom growth of Financial Establishments in the State of Maharashtra in this recent past. The sole object of these Establishments is of grabbing money

received as deposits from public, mostly middle class and poor on the promises of unprecedented high attractive rates of interest or rewards and without any objection to refund the deposit to the investors on maturity or without any provision for ensuring rendering of the services in kind in return, as assured. Many of these Financial Establishments have defaulted to return the deposits on maturity or to pay interest or render services in kind, in return, as assured to the public. As such deposits run into crores of rupees, it has resulted in great public resentment and uproar, creating law and order problem in the State of Maharashtra, specially in city like Mumbai which is treated as the financial capital of India. It is, therefore, expedient to make a suitable legislation in the public interest to curb the unscrupulous activities of such Financial Establishments in the State of Maharashtra.

As both the Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that the circumstances exist which render it necessary for him to take immediate action to make a law for the purpose of aforesaid, this Ordinance is promulgated.”

7. Bare perusal of the statement of object and reasons of the MPID Act goes to show that same is enacted in the public interest to curb the unscrupulous activities of financial institutions, established with sole object of garbing the money received from the depositors, who are mostly from middle class and poor strata of the society.

8. Considering the nature of offence, its gravity and the amount involved in the offence, I am of the opinion that the applicant is not entitled for bail. Hence the criminal application is rejected.

9. If the charge is not framed within a period of six months, then the applicant will be at liberty to move for bail.

(K. L. WADANE, J.)

JPC