

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 933 OF 2017**

Tejshree Singh Ramesh Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 935 OF 2017**

Saurabh Nandkishor Chandra	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 936 OF 2017**

Ravikumar Chauaharya Mishra	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 937 OF 2017**

Swati Siman Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vikrant Singh Negi a/w Mr. Lokesh Jain i/b DSK Legal for the Applicants in BA/933/17, BA/936/17 & BA/937/17

Mr. Kedar J. Pail a/w Mr. Vikram Singh Parmar i/b DSK Legal for the Applicants in BA/935/17

Ms. Rutuja Ambekar, A.P.P for the Respondent-State in BA/933/17

Mr. Deepak Thakare, A.P.P for the Respondent-State in BA/935/17, BA/936/17 & BA/937/17

PI Mr. Manish Zende from Cyber Crime Cell, Pune City is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.Ps for the State.

2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 5 of 2016 registered with the Sangvi Police Station, Pune, for the alleged offences punishable under Sections 419, 420, 120 r/w 34 of the Indian Penal Code, Section 66D of the Information Technology Act, Sections 3, 5 & 6 of Prize Chits and Money Circulation (Banning) Act and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act.

3. Learned Counsel for the applicants submits that all the applicants were the independent representatives of Vihaan Direct Selling Company Pvt. Ltd. They submitted that the complainant-Mahesh Uttamrao Mane has not disclosed the names of the applicants. They submitted that neither are there any allegations that the applicants defrauded any customer or they benefited from the said transactions. They submitted that even

otherwise, the proceedings in the said case have been stayed by the Apex Court on 27th March, 2017 in Writ Petition No. 31 of 2017.

4. Learned A.P.Ps appearing in the aforesaid applications do not dispute the aforesaid position. They submit that the only allegation is that they received commission from the said transaction from the Company and have not derived any other benefit.

5. Perused the papers. It is not in dispute that the applicants were independent representatives of Vihaan Direct Selling Company Pvt. Ltd. Their names have not been disclosed by the complainant. There is nothing to show that the applicants derived any benefit from the transaction. It appears that the applicants have only received commissions from the transactions from the Company, as per the Company's Scheme. Considering the fact that investigation in the said case has been stayed by the Apex Court, as of today, there is no material against the applicants. The applicants are in custody since 3rd February, 2017. Considering the aforesaid, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on provisional cash bail in the sum of Rs. 25,000/- each for a period of four weeks. The applicants shall furnish PR Bond in the sum of Rs. 25,000/- each, with one or two sureties in the like amount within a period of four weeks;
- (ii) The applicants shall attend the concerned Police Station on the first Monday of every month from 10:00 a.m. to 12:00 noon for a period of 6 months from the date of their release and thereafter, as and when called;
- (iii) The applicants shall not leave the Country without prior permission of the trial Court;
- (iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (vi) The applicants to cooperate with the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

6. The application is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.