Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1871 OF 2016

Amit Suresh Thakur ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Kuldeep Nikam, Advocate for the applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Ajay Kadam, Sr. P.I., Deccan Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **19th January, 2017.**

P.C.:

This Application is moved by the applicant/accused under section 438 of Cr.P.C. as he is facing prosecution under sections 409, 420 r/w. 34 of Indian Penal Code and under section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 in C.R. No. 243 of 2016. The FIR is registered at the instance of one Kiran Shantikumar Dixit who gave statement on 29th September, 2016.

2. It is the case of the complainant that he has invested money in one Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society at Shivajinagar, Pune, as the said Society promised to give attractive interest of 11.5% to 12% on the fixed deposits. He confirmed this information on enquiry. So, on 30th July, 2015 he kept fixed deposit of Rs.1 lakhs for a period of one year and on maturity he was to receive Rs.1,12,569/-. Thereafter on 7th August, 2015 and 26th August, 2015 he deposited an

amount of Rs.25,000/- each for one year and on maturity he was to receive an amount of Rs.28,152/- each. Thereafter, the complainant invested an amount of Rs.25,000/- on 15th September, 2015 for 66 months in the company of the Society which was dealing with the sale and purchase of cattle and live stock and he was promised that he would be getting Rs.50,000/- on maturity. After the date of maturity of all these fixed deposits, he went to the office of Society and demanded the total amount of Rs.1,93,863/-. However, the Society informed that they are unable to return the money and told him to wait as the director of the Society was arrested. Thereafter, the complainant found that one person Vasant Kalidas Thakur, who has deposited Rs.35,00,000/- in December 2014 was also cheated by the company, as the promised money was not returned to him. It is the case of the complainant that he realized that Chairman of the Society Mr. Mahesh Motewar did not return the money to the investors after maturity of their respective deposits and thus the offence was registered against him. So the complainant also lodged the complaint for himself and for Vasant Thakur for cheating of Rs.41,53,063/- against the Society, its directors and staff including the present applicant/accused.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused was appointed as facility manager in Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society on 26th April, 2013. He worked there till 20th July, 2015 and thereafter he left the job. The

learned counsel submitted that the applicant was getting salary of Rs.29,000/- per month and whatever amount was given to him by the Society was spent for the event management or other activities of the Society. The applicant has not committed any offence, hence he be granted pre-arrest bail.

4. Learned APP while opposing this Application has submitted that the applicant has received Rs.25 lakhs. As per the ledger account for the period from April, 2013 till 31st March, 2014, there are entries of withdrawal of amount (cash in hand) of Rs.12,63,137/-. The police want to know about the remaining amount, hence, they need custody of this applicant/accused.

5. Perused the complaint, ledger account which is produced herein. This applicant/accused was in the employment of Samruddha Jeevan Multi-State Multi-Purpose Cooperative Society as facility manager. There is no evidence to show that he has any connection with Motewar group. During the employment, if this applicant/accused have defrauded the company, the company should have taken action against him but no action was taken against him by the company for the said amount. The police could trace Rs.12,63,137/- which was taken by him and which are entered in the ledger account, however, for investigation of the remaining amount, the applicant can be called to the police station. In view of this, custodial

interrogation of the applicant/accused is not required. Hence, pre-arrest bail is granted to the applicant/accused on the following terms and conditions:

O R D E R

(i) Application is allowed.

(ii) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount;

(iii) The applicant shall not indulge into any criminal activity, while on bail;

(iv) The applicant shall cooperate the Investigating officer and shall attend the concerned police station as and when called by the police.

6. The Application for anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)