IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2005 OF 2016

Pappu @ Satish Madhavrao Kahane .... Applicant

versus

The State of Maharashtra ... Respondent

Mr.Vivek V. Salunke, Advocate for the Applicant.
Mr.Prashant Jadhav, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 10th JANUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences under section 220, 468, 471, 34 of IPC in C.R.No.I-102/14 of Pimpalgaon Baswant Police Station, District Nasik.

2. It is the case of prosecution that one Dilip Popatrao Patole gave information to the police that he came across one person namely Nilesh Arvind Kshatriya, resident of Wadnerbhairav and he told complainant that he is running one scheme of E-Recharge Cashcom and the persons investing money and

participating in the scheme, shall be given good amount by way of returns. The complainant therefore deposited Rs.5,05,000/- cash initially and became member. Within 8-15 days Rs.2 lakhs were deposited to his credits. So he felt confident about the scheme. Subsequently, he went on depositing the cash amount upto Rs.9 lakhs and other witnesses also deposited different amounts. However, they did not get back the money or the interest, but subsequently they realized that they are cheated by this Nilesh Kshatriya. The learned counsel for the applicant/accused submitted that applicant/accused Satish Kahane himself has deposited Rs.7,000/- in the scheme. He was also duped. So he is not the one who had association with principal accused Nilesh Kshatriya, but also a victim of the fraud. Therefore, he be granted bail and he be protected finally.

3. The learned prosecuted opposed the application and submitted that applicant/accused had instigated other people to invest money in the scheme and other persons invested the amount to the tune of Rs.18 lakhs in the scheme because of the applicant/accused. Hence he should not be granted anticipatory bail.

4. Perused the FIR. In the FIR, the complainant has mentioned that Satish Kahane the present applicant/accused who deposited Rs.3 lakhs to them in the scheme was also cheated. In view of the submissions of the learned counsel of both the sides, I am inclined to confirm the order of interim pre-arrest bail granted to the applicant/accused by the order of this Court dated 22/11/2016 with the same bail bond. However, the applicant/accused shall attend the concerned police station as and when called and cooperate with the Investigating Officer.

5. Anticipatory bail application stand disposed off accordingly.

(MRIDULA BHATKAR, J.)