

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.846 OF 2018

Nitin Rajaram Narake		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Ms. Neha Prashant a/w Mr. Chandansingh Shekhawat i/by Juris Corp. for the Applicant.

Mr. Rajan Salvi APP for the State.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : **19th June, 2018**

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.374 of 2018, registered at Hadapsar Police Station, for the offences punishable under Sections 406, 420, 120B read with 34 of Indian Penal Code.

3 It is the case of the prosecution that the complainant, Babaji Gaikwad had introduced to the present applicant through his friend Suresh Dhatkar, who informed the complainant that the present applicant is in the business of investing money in the share market and if the complainant invests money with him, he shall give lucrative returns by 8 to 10%. The amount was invested in Bluechip Investments. It appears that the assurances were not fulfilled and the investors have not received the returns, hence the investors had filed the F.I.R. at various places against the present applicant. The applicant was in custody for almost three years. After he is released on bail, this is a subsequent offence registered at the behest of one of the investor from Hadapsar. In fact the offence has been investigated and the charge-sheet is also filed against the present applicant. In view of this, custodial interrogation of the applicant in Crime No. 374 of 2018 would not be imperative as long as the applicant undertakes to co-operate with the investigating agency.

4 However, the observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicant be enlarged on bail on furnishing PR. bond in the sum of Rs.1,00,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall report to the concerned police station as and when called by Police and co-operate the investigating agency.

(*Smt. Sadhana S. Jadhav, J*)