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

ANTICIPATORY BAIL APPLICATION NO.1473 OF 2017

Ajay Pursuttamdas Garg

..Applicant

Vs

The State of Maharashtra

..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1494 OF 2017

Nemaji Appaso Wayse

..Applicant

Vs

The State of Maharashtra

..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1524 OF 2017

Prashant Chandrakant Vadgave

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Ashok Mundargi, Senior Advocate a/w Chandansingh Shekhavat I/b Juris Corp for applicant in ABA No.1473/2018.

Mr. Rupesh Zade for applicant in ABA No.1494 of 2018.

Mr. H.S. Venegavkar I/b Priyamvada Singhania for applicant in ABA No.1524/2018.

Ms. J.S. Lohokare, APP for State.

Mr. Kuldeep Patil for Original Complainant.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] By an Order dated 21st August 2017, the applicant Ajay Garg

was granted interim relief and was directed to attend the Investigating Officer, to cooperate in the process of investigation. By an Order dated 7th September 2017, the applicant Mr. Prashant Wayse was granted interim relief. By an Order dated 15th September 2017, the applicant Prashant Chandrakant Vadgave has been granted interim relief.

2] Heard the learned senior counsel for the applicant-Ajay Garg, the learned counsel for the applicant-Nemaji Wayse, the learned counsel for applicant Prashant Vadgave and the learned PP. Perused the record of investigation.

3] The applicant Mr. Ajay Garg is the owner of M/s Excel Vehicles, distributor of TATA Motors situated at Baramati. The applicant Mr. Prashant Vadgave was the Manager of the said Excel Vehicles showroom. The applicant Mr. Nemaji Wayse was working with applicant No.1's showroom at Baramati. Applicant Mr. Nemaji Wayse was entrusted with work of getting insurance policies of the vehicles purchased by the customers.

The record indicates that, the co-accused Ravi Das who was employed as General Manager of M/s Excel Vehicles, was having his office at Pune. The co-accused Anil Phadtare was working as Manager at the said

showroom at Baramati. The Investigating Agency has arrested the said two accused and have now been released on regular bail.

4] As per record, the investigation carried out till date indicates that, it is the applicant Mr. Nemaji Wayse who was instrumental in interacting with the customers in getting insurance policies. The record further indicates that, the witnesses herein have contacted him in the branch of M/s Excel Vehicles at Baramati and handed over the amount to him. That Mr. Nemaji Wayse in turn has given the alleged bogus insurance policies of the vehicles to the customers.

5] The applicants Mr Ajay Garg and Mr.Prashant Vadgave are not instrumental in interacting with the customers and it appears that they being superior in hierarchy are roped in the present crime.

6] Thus prima facie it appears that applicant Mr. Nemaji Wayse is the main perpetrator of the present crime and therefore he does not deserve to be protected by pre-arrest bail.

As noted earlier as far as the Applicants namely Mr. Ajay Garg and Mr. Prashant Vadgave they do not have direct role to play in the present crime and due to their hierarchy in the establishment, they are implicated in the present crime. The record indicates that, in pursuance of

directions of this, the said applicant has attended the Investigating Officer and has cooperated in the process of investigation. The said applicants are therefore entitled to be protected by pre-arrest bail.

7] In view of the above following Order:-

(i) In view thereof, interim relief granted by an Order dated 21st | August 2017 to applicant Mr. Ajay Garg is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

(ii) Interim relief granted to Applicant Mr. Prashant Vadgave by an Order dated 7th September 2017 is hereby confirmed.

(iii) As far as applicant Mr. Nemaji Wayse is concerned, for the aforesated reasons he does not deserve to be protected by pre-arrest bail and his application is accordingly rejected.

8] Needless to mention that, the observations made hereinabove are prima facie in nature and are in the context of deciding the present applications and the Trial Court may not get influenced by the same at the time of hearing of the application for regular bail of applicant Mr. Nemaji Wayse.

(A.S.GADKARI, J.)