IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2771 OF 2017

Mr. Aazam Abubakar Quazi .... Applicant
Vs.
The State of Maharashtra .... Respondent

Mr. Surel Sunil Shah for the Applicant.
Mr. Y.M. Nakhwa, APP for the State.
Mr. N.M. Thete, API, Solapur City Police Station, present.

Coram : Smt. Sadhana S. Jadhav, **J.**
Date : 23rd January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 19th July, 2017 in Crime No.318 of 2017, registered at Jail Road Police Station, Solapur for the offences punishable under Sections 406, 409, 417, 420, 120(B) read with 34 Indian Penal Code and under Sections 3 and 4 of Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999 ("MPID Act").

3 It is the case of the prosecution that the applicant was officiating as a Manager of Vishwamitra India Pariwar and RSS Gramin Micro Credit Company. It is the case of the prosecution that one Imran Abdul Majid Sayyed lodged a report at the police station alleging therein that he had been induced by the applicant to invest in Vishwamitra India Pariwar and was assured that he would get lucrative returns from the said investment on maturity. It is the case of the complainant that he had persuaded the Company as well as the present applicant to return the said amount on maturity and he had not received the same. The first informant has stated that initially he has invested Rs.2,000/- per month in the said company since 31st March, 2015. He had invested total amount of Rs.48,000/- initially and thereafter till 27th December 2016, he had deposited an amount of Rs.90,000/- and a total Rs.1,38,000/- in both the companies. It is pertinent to note that both the companies are registered with the Reserve Bank of India. It appears from the records that the directors of the Company are being prosecuted in Gujarat as well as Kolkata under the various provisions of law including the Prize Chits and Money Circulation Schemes (Banning) Act.

4 Learned counsel for the applicant submits that the applicant was only an employee of the said firm and has not benefited from the said investments. It is also submitted that the

directors of the company had failed to discharge their liabilities for which the applicant cannot be held responsible. The investigation is completed and charge-sheet is filed on 13th October, 2017. Learned APP, upon instructions submits that the investigating agency is proceeding with further investigation as contemplated under Section 173(8) of Cr.P.C. It is also submitted that the gravity of the offence is writ large, there are several people, who have been duped by the company and therefore the applicant does not deserve to be enlarged on bail. Learned counsel for the applicant, upon instructions submits that to express his bonafides, the applicant would deposit an amount of Rs.2.00 Lacs before the Sessions Court within six weeks from the date of his release. Upon perusal of the papers, it appears that all the directors of Vishwamitra are from West Bengal. Upto this date, only one director has been arrested in the present case. As far as the directors of RSS Gramin Micro Credit Company, the directors appear to be from Gujarat. Learned APP upon instructions submits that the directors of the said Company are also being prosecuted before the Securities Appellate Tribunal at Mumbai for violation of the provisions under SEBI Act. It is in these circumstances that further incarceration of the applicant would not be warranted. Moreover all the offences alleged against the applicant are triable by the Court of Magistrate. The investigation is still in progress and may take a long time to conclude looking at the ramifications of the offence in other states. In view of this, the applicant deserves to be enlarged on bail.

5 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

O R D E R

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3 The applicant shall report to the concerned police station on 1st and 3rd Saturdays and co-operate with the investigating agency.

4 The investigating officer would also be at liberty to call upon the applicant in order to co-operate with further investigation.

5 The applicant shall deposit an amount of Rs.2,00,000/- in the Sessions Court within six weeks from the date of release and file compliance note before the Investigating Officer.

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