

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.454 OF 2018

(Kishor s/o Jagdish Bhandarkar ..vs.. The State of Maharashtra, through PSO, PS Sitabuldi, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.V. Gahilot, Counsel for the applicant,
Shri S.S. Doifode, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 01-08-2018

The applicant is apprehending arrest in Crime 36/2018 registered with Police Station Sitabuldi, Nagpur for offences punishable under Sections 420, 406, 409 read with Section 34 of the Indian Penal Code, Section 3 of the Maharashtra Protections of Interest of Depositors Act, 1999 and Section 45-S(i) of the Reserve Bank of India Act, 1934.

2. The substratum of the accusation appeared to be that the applicant induced several persons to invest various amounts in a chain marketing company Vihaan Direct Selling India Pvt. Ltd.

3. This Court has granted anticipatory bail to co-accused Shrikant Bhaskarrao Ramteke in Criminal Application (ABA) 351/2018. Except for the difference in amount, which according to the prosecution is more in the case of the applicant, this Court is unable to see any distinguishing feature. The applicant, like many others,

may be gullible or irresponsible and indeed even naive. However, it is doubtful whether there was any *mens rea*. This of course is a *prima facie* observation and it is ultimately for the trial Court to render an appropriate finding.

4. The interim order dated 28-6-2018 is confirmed with the modification that the applicant shall attend Police Station Sitabuldi, Nagpur as and when called upon to do so by the Investigating Officer.

JUDGE

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