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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.309 OF 2019

Suyash Surendra More ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Sudhir V.Sadavarte for the applicant.

Mr.M.G.Patil, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 5, 2019

P.C.:-

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

2. In crime No.303/2015 for offence punishable under section 406 read with 34 of the Indian Penal Code registered with Dattawadi police station, Pune, the applicant is seeking pre-arrest bail.

3. The complainant, ex-police inspector invested amount in a finance company through the present applicant. His claim is, the entire amount was not refunded with benefits accrued thereon.

Of the amount handed over to the applicant, an amount of Rs.10 lakhs was diverted to the account of his brother and the same was also not refunded.

4. Learned APP on instructions submits that in addition to the offence under section 406 read with 34 of the Indian Penal Code in the crime in question, an offence punishable under section 420 of the Indian Penal Code is also added.

5. With the assistance of learned APP and the investigating officer, who is present in the Court, I have looked into the investigation papers in this crime. The investigation officer is in custody of entire accounts of the applicant and his brother.

6. The offence is of the year 2015 and the fact remains that investigation is still going on.

7. Statement of the complainant speaks of investments made by him through various accounts of his relatives, the majority of which is claimed to have been returned to the complainant as is apparent from contents of the complaint.

8. In the aforesaid background, having regard to the fact that the offence alleged is of financial nature, the entire accounts of the applicant and his brother are very much available with the

investigation agency, I hardly notice any requirement for custody of the applicant. Investigation in the crime in question cannot be used by the complainant for recovery of amount. That being so, applicant deserves to be released on pre-arrest bail :-

- i) In the event of arrest in Crime No.303/2015 for offence punishable under section 406 read with 34 of the Indian Penal Code registered with Dattawadi police station, Pune, the applicant be released on bail on his executing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;
- ii) The applicant shall attend the Investigating officer on 14th, 18th and 21st of February, 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed;
- iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iv) The applicant shall co-operate with the investigating agency;
- v) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)