

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

ANTICIPATORY BAIL APPLICATION NO.607 OF 2019

Dashrath Nath Shukla

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Gautam T. Kanchanpurkar, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- API Mr.V.A. Bhabad, Hadapsar, Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.793/2018 registered with Hadapsar Police Station, Pune under Section 406, 420, 467, 468, 471 r/w. 34 of IPC.

2. The FIR is lodged by one Jitendra Pathak. He has stated in his FIR that he is residing in Amnora Park, Hadapsar, Pune. One Sandeep Shukla and his wife Mamta Shukla alongwith their son were also residing in the same township.

The present Applicant is the father of Sandeep. It is his case in

the FIR that Sandeep approached the first informant and told him that his father i.e. the present Applicant was a partner of the firm dealing in shares. Sandeep himself had a firm by name Rudra Financial Services and Research Company at Hadapsar, Pune. The said company was collecting funds from people and were investing the same in real estate and returning the investment with interest. Sandeep represented to the first informant that he was to collect about Rs.2 Crores for investment and thereafter he could give handsome returns. According to the first informant, he believed Sandeep. The first informant has stated that, for reaching his belief he took into consideration the representation that the present Applicant was a partner of a reputed firm. Thereafter, the first informant invested around Rs.21,50,000/- with Sandeep. Subsequently, neither the money was returned nor any interest was paid and thus according to the first informant he was cheated.

3. Heard Mr. Kanchanpurkar, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the State.

4. Mr. Kanchanpurkar submitted that the FIR does not make out any role against the present applicant. The entire representation was made by the applicant's son Sandeep. The investment was made by the first informant at his behest.
5. Learned APP submitted that the present applicant had opened a bank account in Uttar Pradesh and then the amount taken by the investors were deposited in that account.
6. From the FIR, it is clear that the entire inducement was made by the Applicant's son. The Applicant himself has not approached the informant. There is nothing in the FIR to even suggest that the first informant had met the present Applicant. In this view of the matter, at this stage, it is difficult to connect the present Applicant with the losses suffered by the first informant.
7. On the last occasion the learned APP had made same

submissions. In view thereof, I had directed the Applicant to attend the concerned police station from 15/07/2019 to 18/07/2019. Learned Counsel for the Applicant submits that he has accordingly attended the police station.

8. In spite of clear directions, no further information showing incriminating material against the present Applicant is produced before me till today. Therefore at this stage, even after sufficient opportunity, the Investigating Agency has not been able to refute claim of the present Applicant that he had no connection with the alleged crime.

9. Matter is pending since long. The Investigating Agency was given sufficient opportunity to show Applicant's involvement in the present offence. However, till today no incriminating material is produced before me. In this view of the matter, custodial interrogation of the Applicant will not serve any purpose. Therefore I am inclined to grant anticipatory bail to the present Applicant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.793/2018 registered with Hadapsar Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)