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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 971 OF 2018**

Akhil Sandhiprakash AgateApplicant

V/s.

The State of MaharashtraRespondent

WITH**ANTICIPATORY BAIL APPLICATION NO. 979 OF 2018**

Kushal Vijay ShethApplicant

V/s.

The State of MaharashtraRespondent

Mr. Subodh Desai a/w Ms. Dipika Batheja i/b Agrud Partners for
the applicants

Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 12, 2019.

P.C.

In Crime No. 206 of 2017 for an offence punishable under
Sections 406, 420 read with Section 34 of the Indian Penal Code the
Applicants are seeking pre-arrest bail.

2. The amount referred to in the First Information Report is Rs. 5,40,000/- which is claimed to have been transferred to the account of the Vihaan Direct Selling (India) Pvt. Ltd. Attention of this Court is also invited to the order dated 25th January 2019 passed in Writ Petition (Criminal) No.17 of 2019 wherein the Apex Court has ordered no coercive action against the Company and the parties who were before it.

3. The role as could be inferred from the First Information Report against the present Applicants are that of acting as an Agent/beneficiary in multi level marketing system deputed by the Vihaan Direct Selling (India) Pvt. Ltd. In view of order of the Apex Court and the fact that the Applicants have transferred an amount of Rs. 5,40,000/- as alleged in the First Information Report in question to the Company, a case for grant of pre-arrest bail is made out. Hence, the following order:

(A) In the event of arrest in Crime No. 206 of 2017 registered with Sinhagad Road Police Station, the Applicants be released on bail on executing PR Bond of Rs.25,000/- each with one or more sureties in the like amount.

(B) The Applicants shall attend the Investigating Officer on 18th, 20th and 22nd of February 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when directed by the Investigating Officer.

(C) The Applicants shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

4. It is made clear that in case if the Writ Petition in which registration of the present crime is under challenge is dismissed by the Apex Court or the order passed therein in any way favours the interest of the prosecution, it shall be open for the prosecution to move for cancellation of bail.

5. With the above observations, Anticipatory Bail Applications stand disposed of.

[NITIN W. SAMBRE, J.]