IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3218 OF 2018

Sonu Sadashiv Parab] … Applicant

Versus

The State of Maharashtra] … Respondent

Mr. A.S. Khandeparkar a/w Ms. Apoorva Khandeparkar a/w Mr. Sankalpa Rajpurohit a/w Mr. Rohit Mahadik a/w Mr. Rajdeep Gude i/b Khandeparkar & Associates , Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.
PSI Arun Sawant attached to EOW, Sindhudurg present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 28th AUGUST, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.210/2018 registered with Kudal Police Station, District Sindhudurg u/sec. 406, 420 r/w 34 of I.P.C. and u/sec. 3 and 4 (1) of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The applicant is arrested on 10/08/2018 and since then he is in custody.

3. The FIR is lodged by one Prajakta Sarafdar. She has stated that, she was educated and unemployed. In December 2015 she came to know that, a training course in share marketing was being conducted in her village Pinguli. On 23/12/2015, she went to the place where it was being conducted. She met the present applicant. He told her that, he was a trainer who would be conducting training course and that training course was arranged by Dattanand Nandoskar, Sachin Nandoskar and Dinesh Nandoskar. The fees for the course was mentioned as Rs.10,000/-. Accordingly, from 23/12/2015 to 27/12/2015 the informant got training in the course. The course was conducted by the present applicant. At the end of the course, the informant gave Rs.10,000/- as fees of the course to Sachin Nandoskar as was told by the present applicant. Sachin Nandoskar had assured to give the certificate, but the said certificate was never given. On 03/02/2016, the informant went to the office at Chintaman Plaza, Kudal and met the accused Ratan Nandoskar and Sachin Nandoskar. In April 2016, Ratan Nandoskar told her that, she could invest in their share marketing software and she could earn profit. She opened her account by paying Rs.10,000/- and started dealing in share market. It is mentioned in the FIR that, accused Ratan Nandoskar, Dinesh

Nandoskar, Sachin Nandoskar and the present applicant used to give information on share market. In April 2016, Ratan Nandoskar represented to her that, if she invested Rs.2 Lakhs in a finance course, a training would be given to a trainee for 15 months. After four months, the trainee would get Rs.15,000/- as allowance and at the end of the course, initial investment of Rs.2 Lakhs would be returned. Those who had invested within the prescribed period would be given further benefits. Accordingly, the informant paid Rs.1,65,000/-, considering the concessions offered. The informant joined that scheme. A contract was executed. It is alleged that, the present applicant has signed it as a witness. Initially, the promised amount of Rs.15,000/- was paid and it was paid for further period and in all Rs.75,000/- were paid to the informant. However, the balance amount was not paid and the promised return was also not paid. Therefore, she lodged the FIR.

4. Heard Mr. A.S.Khandeparkar, Ld. Counsel for the Applicant and Ms.S.S.Kaushik, Ld. APP for the State/Respondent.

5. The investigation is over and the charge-sheet is filed. There are statements of other witnesses whose money was misappropriated in a similar fashion.

6. Mr. Khandeparkar submitted that, the present applicant was merely an employee with the main accused Ratan Nandoskar and the scheme was used for their advantage. The applicant had no role to play in the entire scheme. Neither had he involved in the scheme nor had he executed the same. Though, he had signed the documents which shows that, he was not instrumental in supporting the scheme. It was only the accused Nandoskar brothers who had induced the victims.

7. Ld. APP submitted that, the applicant took part in this scheme and without his help, the main accused could not have committed this offence.

8. I have considered these submissions. The charge-sheet is already filed. In the charge-sheet, the prosecution case is mentioned that, the present applicant was knowing the main accused Ratan Nandoskar. The applicant was educated and was conversant with

share marketing and therefore, he was used by the other accused to give training to various interested persons. Thus, from the allegations itself, the prosecution case is that, the present applicant was used by other co-accused. The applicant had done his job by imparting training. There are no allegations that, he had not given proper training to his students. The inducement to the victim for investing in the scheme was made by other accused. The contract is also executed by other accused. The present applicant had merely signed these documents as a witness. Even otherwise the applicant is in custody for more than a year. The maximum sentence which could be awarded in this case is 7 years. Considering his lesser role, no purpose will be served in detaining this applicant any further during the entire course of trial. Therefore, I am inclined to grant bail to this applicant. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.210/2018 registered with Kudal Police Station, District Sindhudurg, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)