IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 539 OF 2019

Rahul Arun Bongale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Anand S. Patil, Advocate for the Applicant.
Smt. Veera Shinde, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.
DATE : 9th January, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 36 of 2019 registered with Rajarampuri Police Station, Kolhapur for offences punishable under Sections 406, 420, 201, 120B of Indian Penal Code and Section 66-D of Information Technology Act and Section 30 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. FIR was lodged on 1st February, 2019. The prosecution case is that the informant deals in graphic designing. In the complaint it was alleged that the complainant had discussion with Mahesh Shah about investment who suggested the name of Richa Infra Company By giving details. The complainant was approached by Mahesh Shah in July, 2016 and insisted that he should invest money in Bitcoin Digital

currency by giving demonstration. He also opened account on the company website and invested some amount. The complainant attended several seminars of the company at different places. It is further alleged that the seminars were arranged at various places. Seminars were also arranged in Kolhapur Engineering Association hall by the applicant. The applicant was a senior officer in the company of Mahesh Shah Viz. Variable Tech Pvt. Ltd. The complainant participated in the seminars. Thereafter, he had invested money. The complainant did not receive returns, hence FIR was lodged against the applicant and others. The applicant preferred an application before the Sessions Court which has been rejected.

3. Learned Advocate for the applicant submitted that he has not played any role in the transactions. Sections 406 and 420 of Indian Penal Code are not attracted in this case. The applicant himself is victim. The applicant is not concerned with the company of the accused. The applicant was one of the investor. He was not office bearer of the company. Being investor he participated in the seminars. The applicant is conducting educational institute. The premises was hired by him for the purpose of conducting administration of education institute. The applicant has not benefited in any manner. It is submitted that the applicant has reported the police station on three occasions as directed by this Court. All the

accused were arrested. They were granted bail by the Hon'ble Supreme Court. Prior to registration of FIR, the applicant lodged complaint with police against main accused.

4. Learned APP submitted that the applicant is involved in the crime. He had acted in connivance with the co-accused. He had arranged seminars. He has been named as accused in the FIR. The statement of witness was recorded during the course of investigation which disclose that the applicant had hired premises for conducting activities of variable Tech Pvt. Ltd. He left the premises without paying rent. The statement of several witnesses were recorded. The statements show the involvement of the applicant in the crime. It is submitted that the complaint was filed by the applicant, after realizing that several complaints were received against main accused.

5. I have perused the FIR. The applicant's involvement is disclosed in the complaint. The statements of several witnesses also discloses that he is involved in the crime. One of the statement of witness mentions that the applicant had hired flat belonging to him on rent of Rs. 9,000/- Per Month for the purpose of conducing training institution. However, instead of conducting training institute he started office of variable Tech Pvt. Ltd. Subsequently, he left the premises without paying the rent. The prosecution case relates to

investment by several persons who were duped by the accused. Prima facie it appears that the case is made out against the applicant about his involvement. The applicant actively participated in the activities of the company. Considering the nature of material against the applicant, no case for grant of anticipatory bail is made out. Hence, application stands rejected and disposed of accordingly.

6. At this stage, learned counsel for the applicant submits that the applicant was granted protection since 1st March, 2019 Hence, the protection may be continued for a period of four weeks, since the applicant intends to approach the higher Court. In view of submission, the protection is continued for a period of four weeks.

(PRAKASH D. NAIK, J.)