IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 ANTICIPATORY BAIL APPLICATION NO.1092 OF 2021

Ashok Murlidhar Magar ...Applicant

Versus

The State of Maharashtra ...Respondent

...

AND

40 ANTICIPATORY BAIL APPLICATION NO.976 OF 2021

Dattatraya Shankar Navle ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Advocates for the Applicants : Mr. S. J. Salunke
Mr. R.R.Karpe (in ABA No. 976/2021)
APP for the Respondent – State : Mr. V. S. Badakh

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CORAM : PRAKASH D. NAIK, J.

DATE : 04th OCTOBER, 2021

PER COURT :-

1. Both the applicants are apprehending arrest in the FIR / Crime No. 0523 of 2021 registered with Newasa Police Station, District Ahmednagar for the offences punishable under Sections 420, 506, 34 of the Indian Penal Code and Section 3

of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The First Information Report (for short “FIR) was registered on 22.07.2021. The grievance of the complainant is that she came across accused No.1 Bhausaheb Ashok Aadmane in the year 2013. Accused No.1 represented that if complainant invests money in the “I.P. Aadmane Group” she would earn good returns. He also stated that he is in the business of manufacturing soap. Being influenced by the representations made by accused No.1, complainant had invested an amount of Rs. 9,00,000/-. The FIR further alleges that the applicants were sent by accused No.1 for collecting the amount towards investment from time to time. Complainant did not get returns as promised and she was cheated.

3. Learned Advocates for the applicants appearing in both applications submitted that only role which has been attributed to the applicants is of collecting the amount at the instance of accused No.1. There is no evidence on record to show that the applicants were concerned with the Company if any of the accused No.1. The provisions of Section 3 of The

Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 are not applicable in this case. The applicants did not participate in day to day affairs and decision making process of concern of accused No.1.

4. Learned APP submitted that other than the complainant there are nine other persons who had invested the amount with accused No.1. The consistent version of the investors is that the amount was deposited into the account of accused No.1. One of the investor has stated that the applicants were found in the Company of accused No.1.

5. From the FIR and the submissions of learned APP it is apparent that there is nothing on record to show that the applicants were concerned as persons concerned with business with the Company of accused No.1. The amount was credited into the account of accused No.1. The tenor of the FIR also indicated that the inducement was made by accused No.1.

6. Considering the nature of allegations against the applicants they need not be subjected to the custodial interrogation. Hence, the following order :

ORDER

(i) Anticipatory Bail Application Nos.1092 of 2021 and 976 of 2021 are allowed.

(ii) In the event of arrest of the applicants in Crime No. 0523 of 2021 registered with Newasa Police Station, District Ahmednagar, the applicants be released on bail on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or more sureties in the like amount.

(iii) The applicant shall report Investigating Officer on 12th, 13th and 14th October, 2021 between 11.00 a.m. to 01.00 p.m. and thereafter, as and when called for till filing of charge-sheet.

(iv) Applications stand disposed of.

(PRAKASH D. NAIK)
JUDGE

shp/-