

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

935 ANTICIPATORY BAIL APPLICATION NO.1477 OF 2021

**ARJUN MANOHARRAO HOKE
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Pratap B.Vikhe, Counsel for applicant
Mr. A.V.Deshmukh, APP for respondent-State

...
CORAM : PRAKASH D. NAIK, J.
DATE : 10th DECEMBER, 2021

PER COURT:

1] This is an application for anticipatory bail in Crime No.0212 of 2018 registered with Majalgaon Police Station, Dist.Beed for the offences punishable under Sections 420, 406, 467, 468, 471 and 120(B) of Indian Penal Code (for short, 'IPC') and Sections 3 & 4 of the Maharashtra Protection of Interest of Depositors Act.

2] The complainant had filed a private complaint, seeking investigation under Section 156(3) of Code of Criminal Procedure (for short, 'Cr.P.C.') in pursuance to order passed by the Court, directing investigation, First Information Report (for short, 'FIR') was registered on 11th August 2018. It is alleged that the complainant had invested the amount of Rs.7,25,000/- with the accused Samajik Parivartan Nagari

Sahakari Patsanstha. The complainant did not receive the promises returns.

3] Learned Counsel for applicant submits that no overt act has been attributed to the applicant in the FIR. The allegation is vague. In similar set of facts, offence was registered vide Crime No.117 of 2018. Co-accused Sandip Hiwale has been granted regular bail by this Court vide order dated 18th November 2021. Investigation is complete. Except stating that he is director of the Credit Society, there is no specific allegation against him. The applicant was arrested in Crime No.1017 of 2018 and 1021 2018. He was in custody for substantial period of time. Although, the FIR in respect of present case was registered in the year 2018, the applicant's custody was never sought by the investigating agency, while he was in custody in other offences. Charge-sheet is filed against the accused under Section 299 of Cr.P.C. Applicant has been granted anticipatory bail by this Court in Crime No.297 of 2018 and Crime No.422 of 2018 registered with Majalgaon City Police Station and Majalgaon Rural Police Station, Dist.Beed.

4] Learned APP submitted that the applicant was director of credit society. He was absconding. The applicant was not available for investigation. He is involved in other case. Custodial interrogation is necessary.

5] The FIR was registered in the year 2018. For substantial period of time, applicant was in custody in another case. Crime No.297 of 2018 was registered on 16th October 2018 with Majalgaon City Police Station and Crime No.422 of 2018 was registered with Majalgaon Rural Police Station, Dist.Beed on 25th December 2018. The allegations in both the complaints are similar. The aggrieved persons are different. Applicant was arrested in Crime No.54 of 2018 registered with Uttamnagar Police Station, Dist.Pune for similar offence. He was granted regular bail. He was in custody for more than one year. Although, he was continued to be in custody for more than one year, his custody was not sought in the present case. This Court had granted anticipatory bail to the applicant vide order dated 7th October 2021 in Crime No.0297 of 2018 and 422 of 2018. He was granted regular bail by this Court vide order dated 27th February 2020 in Crime No.54 of 2018. The co-accused in the present case, Sandip Hiwale is granted regular bail by this Court vide order dated 18th November 2021. While granting bail to the said accused, it was observed that he was in custody for a substantial period of time. Except stating that applicant is director, there is no material to indicate role played by applicant. No specific overt act is attributed to applicant.

6] In the light of aforesaid circumstances, applicant need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1477 of 2021 is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.0212 of 2018 registered with Majalgaon Police Station, Dist.Beed , the applicant be released on bail on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report Investigating Officer on 20th, 21st and 22nd December 2021 at 11.00 am to 01.00 pm and thereafter, as and when called for.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)

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