

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1005 OF 2021

Kamtha Haridas Soni .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Rajendra Rathod i/b Mr. Kishan Chaudhari for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 07TH JULY, 2021.

P.C:-

1. The Applicant is seeking his release on bail in C.R. No.827 of 2020 registered with Vijapur Naka Police Station, District Solapur, invoking Sections 406, 420 read with Section 34 of the IPC and Sections 3 and 4 of the MPID Act.

2. The Applicant is arraigned as Accused No.2 whereas, his wife (Accused No.3) Babita Soni is released on bail by this

Court on 17/02/2021. Perusal of the order passed in favour of co-accused Babita Soni would reflect that the property of her husband (the Applicant), worth approximately Rs.57,00,000/-, is seized and attached during the course of investigation. Perusal of the FIR would reveal that the amounts alleged to be misappropriated is to the tune of Rs.50,95,000/-.

3. If the complaint is carefully perused, it would reveal that the Complainant was approached by one Fazludin Dongri, who introduced himself as a founder member of “Virat Future Company” and Kamtha Soni (the Applicant) is director of the Company. Projecting attractive returns, she was induced to invest amounts in the said company and the allegation is to the effect that she invested in various schemes of the company between the period 21/09/2018 and 20/09/2019. For some period of time, she received promised returns. When the returns did not come, she realized that she has been duped and, particularly, after the cheques issued by Fazludin Dongri, for the amounts due, were dishonoured, she approached the police, resulting into registration of the present C.R.

4. The Applicant is arrested in connection with the said C.R. on 15/09/2020. The investigation is complete and the charge-sheet is also filed in the MPID Court.

5. Learned A.P.P. does not dispute the statement made by

learned counsel for the Applicant and it has been so mentioned in the order of this court on 17/02/2021 in Criminal Bail Application No.280 of 2021 that the property of the Applicant worth Rs.57,00,000/- is seized and attached. Learned A.P.P. also does not dispute the statement that the bank account with an amount of Rs.10 lakhs, has also been attached.

6. In such circumstances, since the amount involved in the crime has already been secured by attaching the property of the Applicant, who is alleged to be the director of the Company in which the Complainant has invested the amounts, on completion of investigation and filing of the charge-sheet, the incarceration of the Applicant is not warranted. The Applicant is entitled to be released on bail subject to the following stipulation.

ORDER

- (a) The Applicant – **Kamtha Haridas Soni**, shall be released on bail in C.R. No.827 of 2020 registered with Vijapur Naka Police Station, District Solapur on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any

person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The Applicant shall attend the trial court regularly unless exempted.

(d) The Applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of four weeks in lieu of surety in view of the prevailing restrictions in Solapur District on account of pandemic.

7. The Application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]