IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.188 OF 2020

Satish Victor Dharavi .. Applicant

Vs.

The State Of Maharashtra .. Respondent

WITH

BAIL APPLICATION NO.1423 OF 2021

Sanjay Charlie Noon .. Applicant

Vs.

The State Of Maharashtra .. Respondent

Mr.Tushar N. Sonawane, Advocate for applicant in BA/188/2020.
Mr.Ashutosh R. Gole, Advocate for applicant in BA/1423/2021.
Mr. R. M. Pethe, A.P.P. for the State-Respondent in both the applications.

CORAM : PRAKASH D. NAIK, J.
DATE : 24th AUGUST, 2021

PC.

1. The applicants in both the applications are seeking bail in C.R. No.123 of 2019 registered with Palghar Police Station for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code (for short "IPC"). The First Information Report (for short "FIR") was lodged on 07.05.2019.

2. The case of the prosecution is that in March 2010 the accused Nandan Mhatre and his wife Jagruti Mhatre had approached the complainant and represented that Salvation Group of Companies has various schemes through which she can earn good returns. She can induct the person known to her as well as relatives as members of the scheme and by acting as agent. She would be financially beneficiaries. The accused showed brochure, sleep books and other documents. Nandan Mhatre represented that he has Reginal Director of Company and his wife is in-charge. The complainant believed the representations of the accused and agreed to be the representative of the said Company. She was appointed as agent in April 2010. She visited several places and collected amount from the people for investing in the said Company. The complainant invested the amount of Rs.60 lakhs through several investors. Although it was promised that the investment would be doubled, in spite of maturity date investors did not receive any returns. The complainant approached the Nandan Mhatre and his wife and inquired

about the returns of investors. They give evasive answers. The complainant visited the head office of the Company at Bhayander, it was found closed. The schemes were in progress from 2010 to 2017. The Chairman/Managing Director Sanjay Noon, Director Satish Dharavi, Devraj Rathod and the Entertainment Director Chandrakant Pawar used to attend the seminars at various places. Thus, the complainant alleged that about 400 persons were cheated and the amount of Rs.60 lakhs collected from them by misappropriated. Both the applicants were arrested. On completing investigation, charge-sheet was filed.

3. The applicants preferred application for bail before the Sessions Court. The said applications were rejected by order dated 09.11.2019.

4. Learned advocate representing both the applicants submitted that the they are in custody for substantial period of time. Investigation is completed and the charge-sheet is filed. Further detention of the applicants is not necessary. The applicant Satish Dharavi had resigned from the Company in

21.12.2016. Board of Directors passed the resolution that the said accused is not connected or concerned with the legal matter associated with the Company and the applicant is not responsible for any action which the Company may initiate in future. The details of the Company obtained from the website of Ministry of Corporate Affairs demonstrates that the applicant Satish Mhatre is not the Director of the Company. He had invested the amount of Rs.12,29,142/- in the name of his wife, daughter and close relatives. The complainant had misappropriated the fund of the Company. She had executed indemnity bond in favour of the Company, admitting her faults. Applicant Satish Dharavi was not responsible for the working of the Company. Accused No.2 is granted bail by this Court and Accused No.1 has been granted bail by the Sessions Court. All the properties belonging to accused Sanjay Charlie Noon, Company and the co-accused have been attached. The bank accounts and investments of the accused and the Company were attached. The applicant Sanjay Noon is in custody from 08.05.2019. The Investigating Officer has recovered the documents and the collected details of all the properties of the Company and the documents pertaining to investments made by people. Both the applicants have filed affidavit/undertaking before this Court which is executed by the applicants in the jail where they have been detained stating that they have no objection for attachment, sale, auction or for initiating any action under the provisions of Maharashtra Protection of Interest of Depositors Act, 1999 in respect of the properties which are seized and reflected in the charge-sheet. They will not deal with the said properties. On instructions, it is also submitted that in the past they have not created any third-party interest in relation to the properties of the accused Company. Learned counsel for the applicants in Bail Application No.1423 of 2021, on instructions, submits that he had prepared the gift deed in relation to the property viz. 60 gunthas. The beneficiaries for the investors he had also executed the memorandum of undertaking with some of the investors. However, the said documents were not registered and do not have any legal sanctity. The applicant would not act upon the said documents.

5. Learned APP submitted that the huge amount was misappropriated by the accused. The applicant Sanjay Noon is the Chairman/ Managing Director of the Company. The accused had induced the investors to invest the amount with false promises. Statement of various witnesses were recorded. The investigating agency attached immovable property of the accused situated in Vashim, Satara, Dahanu and Vada, charge-sheet is filed. The applicant Satish Dharavi was Director of the Company. The affidavit filed in Bail Application No.188 of 2020 states that the amount was involved to the tune of Rs.1,61,08,538/-. Both the applicants were connected with Salvation Group of Companies. The applicant Satish Dharavi is the Director of Salvation Group of Company from 11.02.2011 and he is involved in the transactions of Company. Amount was transferred from the bank account of Salvation Group of Companies to the Satish Dharavi. There are immovable properties in the name of Salvation Group of Companies. Co-accused were granted bail, were not Directors

of the Company. C.R. No.272 of 2019 was registered against the applicant Satish Dharavi.

6. The applicants are in custody for a period of about two years. Investigation is completed and charge-sheet is filed. The complainant was the agent of Company. According to her, she had represented the Company and collected the amount of Rs.60 lakhs from investors which was invested in the accused Company. Details of crediting amount in account of Company are not provided. The affidavit filed by prosecution mentions that the offences were registered under Sections 420, 467, 468, 471, 34 of the IPC and Sections 3 and 4 of MPID Act. The investigation was transferred to Economic Offences Wing, Palghar on 02.07.2019. During the course of investigation, the investigating agency attached immovable properties of the accused which are situated at districts Washim and Satara. The office premises of the accused situated at Dahanu and Wada were also seized. The charge-sheet was filed on 02.08.2019. The invested amount was around 1,61,08,538/-. The order of the Special Court under the MPID Act rejecting

application for bail preferred by Sanjay Noon. However, mentions that the accused had accepted amount of Rs.4,50,00,000/- from the investors and failed to return the same. The said order was passed on 09.11.2019. However, affidavit dated 09.04.2021 categorically mentions that the amount involved is Rs.1,61,08,538/-. There is no evidence to substantiate the amount referred to in order. Nandan Mhatre and his wife Mrs. Jagruti Mhatre were also agents of the accused Company. They had approached the complainant inducing her to act as agent of the Company. They are granted bail. The bank accounts are frozen. Both the applicants had filed affidavit/undertaking. the applicant Satish Dharavi had filed affidavit/undertaking dated 12.08.2021 stated that he has no objection for attachment, sale, auction or for initiating any action under the provisions of Maharashtra Protection of Interest of Depositors Act, 1999 in respect of the properties which are seized and reflected in the charge-sheet. He will not deal with the said properties in any manner and/or will not part with the same and/or will not create any third-party rights in the properties which are liable to be attached under the MPID Act, 1999. Learned counsel on behalf of the applicant on instructions also submitted that he has not create any third-party interest and dealt with the properties under the attachment in the past. The applicants Sanjay Noon has also filed affidavit/undertaking dated 12.08.2021 stating that he has no objection for attachment, sale, auction or for initiating any action under the MPID Act in respect of the properties which are seized and reflected in the charge-sheet filed against him. He will not deal with or transfer or create third-party rights in the properties seized or reflected in the charge-sheet filed against him. Learned counsel for the said applicant also made the statement as stated above. Considering these circumstances, bail can be granted to the applicants.

ORDER

(i) Bail Application Nos.188 of 2020 and 1423 of 2021, are allowed;

(ii) Applicants are directed to be released on bail in connection with C.R. No.123 of 2019, registered with

Palghar Police Station, on executing P.R. Bond in the sum of Rs.1,00,000/-, each, with one or more local sureties in the like amount;

(iii) Applicants shall abide by the undertaking filed before this Court and the statement made before this Court;

(iv) Applicants shall not tamper with the prosecution evidence;

(v) Applicants shall attend trial Court (M.P.I.D. Special Court) regularly on the date of hearing of the case, unless exempted by the Court;

(vi) Applicants shall not tamper with the prosecution evidence;

(vii) Applicants are permitted to furnish provisional cash bail in the sum of Rs.1,00,000/- each for a period of eight weeks;

(viii) Bail Application Nos.188 of 2020 and 1423 of 2021, stand disposed of accordingly.

(PRAKASH D. NAIK, J.)