

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 539 OF 2020

Rajesh Vitthal Vaze	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Subodh Desai i/b. Mr. Rohan R. Sonawane for the Applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2021.

P. C. :-

1. This is an Application under Section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Special (MPID) Case No.02/2018 for offences under Sections 120-B, 406, 420, 467, 468, 471 r/w. 34 of the Indian Penal Code (IPC) and under Section 3 of the Maharashtra Protection of Interests of Depositors (MPID) Act, 1999. The said case arises from C.R.No.I-267/2017 registered with Boisor Police Station pursuant to the first information report lodged on 27/12/2017 by Umesh B. Bharwad.

2. It is the case of the prosecution that the Gayatri Marketing, a partnership firm had floated a lottery scheme in which the individual

depositors were induced to deposit money on an assurance that they would be receiving gifts such as laptop, air conditioner, washing machine, fridge or LEDTV, etc. The first informant Umesh Bharwad had deposited an amount of Rs.13,250/- during the tenure of 20 months. Initially, he received gifts but when the last draw was held in September, 2017, none of the depositors received any prize. He was informed to collect the gifts from the office. He found that the office was locked. In the course of investigation, it was revealed that several other persons were also defrauded. The partners of the said Gayatri Marketing as well as the Applicant and the other persons who had allegedly acted as agents and collected money from the depositors, were arrested. In the course of investigation, documents have been collected, statements have been recorded and charge sheet has been filed against the Applicant and the other co-accused.

3. Mr. Subodh Desai, learned counsel for the Applicant states that the Applicant is not associated with the Gayatri Marketing Proprietorship Firm and that there is no prima facie material to show that he is involved in inducing the individuals to deposit the money.

4. I have perused the records and considered the submissions

advanced by the learned counsels for the respective parties.

5. It is seen that Gayatri Markeing is a partnership firm of which co-accused nos.6, 7 and 8 are the partners. Gayatri Maa Marketing is a proprietorship concern of accused no.3. The records indicate that the Applicant herein is neither a partner of the partnership firm, nor is he associated in any manner with the partnership firm or the proprietorship concern. Learned APP has not been able to point out any material to indicate that the Applicant had induced any of the depositors to deposit the money in the lottery scheme floated by the said partnership firm or proprietorship concern. There is also no material on record to show that the money deposited by several depositors was received by the Applicant or deposited in his account. Thus, the material on record does not *prima facie* show the involvement of the Applicant in commission of the crime and hence, he cannot be subjected to further detention.

6. The Applicant was arrested on 19/02/2018. It is stated that till date, no charge has been framed against the Applicant. It has also been brought to my notice that accused nos.6 and 7 who are the partners of Gayatri Marketing, have been released on bail.

7. Considering the totality of the circumstances, the Applicant has made out a case for grant of bail. Hence, the Bail Application is allowed on following terms and conditions :-

(a) The Applicants be released on cash bail in the sum of Rs.50,000/- (Rupees Fifty Thousand) for a period of three weeks ;

(b) The Applicants shall within the said period of three weeks, furnish P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one or two sureties in the like amount ;

(c) The Applicant shall report to Boisar Police Station once in a month on every 1st Saturday between 11:00 a.m. to 01:00 p.m. until further orders ;

(d) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;

(e) The Applicants shall keep the Trial Court informed of their current address and mobile contact numbers and/or change of

residence or mobile details, if any, from time to time ;

(f) The Applicant to co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted ;

8. Bail Application stands disposed of accordingly.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2021.08.02
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(SMT. ANUJA PRABHUDESSAI, J.)