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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1418 OF 2021

MR. MOHAMMAD IMRAN MOHD. JALAL KHAN ....APPLICANT

V/s.

THE STATE OF MAHARASHTRA AND ANR .....RESPONDENTS

Ms. Khushboo Shah for the applicant
Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 26, 2021.

P.C.:

1] Applicant is seeking bail in MPID Case no. 248/2020 arising out of C.R. No. 382/2019 registered with Nayanagar Police Station for offence punishable under Sections 420, r/w 34 of the Indian Penal Code.

2] In the aforesaid offence, applicant came to be arrested on 06/02/2020 and was charge-sheeted.

3] Prosecution case against the present applicant is, having hatched criminal conspiracy, formed a firm by name 'Zoee Enterprises', accepted deposit from the complainant with promise of 7% per month returns and defrauded people to the tune of Rs. 1,28,30,000/-.

4] Counsel for the applicant would urge that applicant is neither a director in the said firm nor canvassed anytime that deposits with Zoee Enterprises will be honoured with hefty returns of 7% per month of interest.

5] It is also claimed that there are no criminal antecedents and the applicant has cooperated with the investigation. Submissions of learned counsel for the applicant are, applicant was handling front office and as such, on instructions of director i.e. accused no. 1, he has acknowledged receipt of deposits, at times signed and handed over promissory notes for and on behalf of Zoee Enterprises, however, in law, applicant was not having any such authority.

6] Learned APP while opposing the prayer would urge that applicant's prima facie involvement can be inferred as he is a direct beneficiary. It is further brought to my notice that applicant, under authority from accused no. 1 has executed promissory note or issued cheques in view of promissory note. As such, his prima facie involvement in a serious financial offence can be inferred.

7] Considered submissions.

8] During investigation, it is noticed that applicant was handling entire office and has entertained demands of depositors thereby promising returns on higher side.

9] It can be inferred from record that applicant has not only handed over promissory note but also signed them. It is apparent from the record that applicant was instrumental in handing over cheques in exchange of promissory notes to the victims to which demonstrates that applicant was in governing position of the company. Record further depicts that applicant issued promissory notes in his own signature which speaks of his involvement in the management of the company. Merely because applicant has no criminal antecedents or is behind the bar for last about one and half year will not entitle him to bail. There is strong prima facie case against him. That being so, no case for grant of bail is made out. Application as such fails, stands rejected.

10] However, it is clarified that if the charge is framed, applicant is at liberty to apply afresh.

[NITIN W. SAMBRE, J.]