

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.949 OF 2021
WITH
ANTICIPATORY BAIL APPLICATION NO.947 OF 2021

Ashok Vasant Poulekar
versus
The State of Maharashtra

Applicant

Respondent

Mr.Hitesh Prajapati for applicant.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th April 2021

PC :

1. Both these applications are preferred seeking pre-arrest bail. Anticipatory Bail Application No.947 of 2021 is preferred in respect to CR No.8 of 2021 registered with Agripada Police Station whereas Anticipatory Bail Application No.949 of 2021 has been preferred apprehending arrest in CR No.435 of 2020 registered with Agripada Police Station. In both these cases offences were registered u/s.420, 409 of IPC and under Sections 3 and 4 of MPID Act.

2. The FIR relating to CR No.8 of 2021 was registered on 10th January 2021 by one Satyendra Hiranman Puradkar. According to the complainant, he had invested huge amount on the promise of good returns with R.R.World. The proprietor of the said concerned is one Ravi Gawli. The complainant, his family members and friends had also invested amount.

3. CR No.435 of 2020 was registered on 28th December 2020 at the instance of Imran Pandurang Vartak wherein similar allegations were made against the accused.

4. The applicant had preferred applications for anticipatory bail before the Court of Sessions in connection with both the FIRs. Learned Sessions Judge rejected the application for anticipatory bail in connection with CR No.435 of 2020 and the in view of that, application for anticipatory bail preferred in connection with CR No.8 of 2021 was withdrawn.

5. Learned advocate for applicant submitted that the applicant has been falsely implicated in this case. The applicant has co-operated with the investigation. He has attended Police Station on various dates. He has furnished requisite explanation sought from him. The applicant has not participated or aided or abetted the main accused in any manner. The applicant was part time employee of R.R.World. The amount was received in good faith and towards sale of imitation jewellery. In fact the applicant is a victim at the hands of accused. The applicant admits that he had received amount of Rs.52 lakh not as alleged by the prosecution. The amount of Rs.50 lakh was towards consideration and other amount was towards salary. The applicant was induced to invest amount by the accused and he had invested amount of Rs.10 lakh. He received one installment and the main accused had issued cheque for Rs.37 lakh towards settlement to the applicant. The said cheques were dishonoured. The say filed by the prosecution opposing the application for anticipatory bail is false. There is no truth in the contentions of the prosecution.

The allegations are not supported by any evidence. The alleged amount of receipt of commission is not supported by cogent evidence. The main accused had issued two cheques to the applicant in the sum of Rs.23,46,650/- which were dishonoured when the applicant had deposited them. Reversal receipts were issued. The applicant had forwarded his complaint against R.R.World. The amount found in the bank account of the applicant is towards sale of imitation jewellery. It is further submitted that custodial interrogation of the applicant is not necessary. The entire case of prosecution is based on assumptions and inferences which are not supported by any material. The applicant has relied upon invoices, salary certificates, cheques, investment receipts, promissory notes, reversal receipts, legal notice sent to the accused and complaint made to Agripada Police Station. It is submitted that custodial interrogation of the applicant is not warranted. There is nothing to be recovered from him. He has already co-operated with the investigation. The evidence is in the nature of documentary and electronic record. The applicant is willing to co-operate with the investigation.

6. Learned APP submitted that the applicant has played a vital role in the alleged transactions. He has acted in connivance with the co-accused. The applicant was acting as an agent of R.R.World. Huge commission was received by the applicant. There are several investors who had made complaints against accused. The default amount is more than Rs.3 crores. The co-accused Ravi Gawli and Ramesh Kadam were arrested. The vouchers issued by R.R.World in the name of applicant show that the applicant has received huge commission for bringing new customers. There is transfer of Rs.98

lakhs in the bank account of applicant. He has received cash of Rs.1 crore. Learned counsel for applicant, however, in rejoinder, reiterated his submission and contended that submissions of the prosecution are imaginary and unsupported by evidence. The documents relied upon by the applicant would belie the case of prosecution.

7. I have perused the documents annexed to this application. I have also perused the investigation papers, statements of witnesses which are recorded during investigation. Prima facie there are material on record which indicate that the applicant was working as an agent. Huge amount was collected. There are about 100 investors who have made complaints and the default amount is to the tune of Rs.3.69 crores which has now increased. The payment receipts shows that applicant has received amount towards commission. The case of prosecution is that the applicant has received huge amount in cash. All these aspects are required to be investigated. The offence is of serious nature. Custodial interrogation of the applicant is necessary. Hence, applicant is not entitled for the relief under Section 438 of Cr.PC. Hence, both the applications stand rejected.

(PRAKASH D. NAIK, J.)

MST