IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1763 OF 2021

Anand Muddu Shetty ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Sudatta Patil a/w. Mr. Piyush Toshnival, Mr. Amit Icham i/b. Mr. Aashish Satpute for the Applicant.
Mr. H.J. Dedhia, APP for the Respondent -State.

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CORAM : V.G.BISHT, J.
RESERVED ON : 17TH NOVEMBER, 2021
PRONOUNCED ON : 25TH NOVEMBER, , 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 420, 406, 409 and 120-B of the Indian Penal Code (the IPC) and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short, the Act") registered vide Crime No. 69 of 2020 with Khed Police Station, Pune Rural.

This order is corrected vide speaking to minutes of the order dated 26.11.2021.

2. Prosecution case in nutshell is that in the year 2004, informant's friend gave him information about Twinkle Enviro Tech Limited and further told that the said company is giving 13.5% interest per annum on investment. Accordingly, he started investing the amount. The said company also established various other companies, namely, Royal Twinkle Star Club Pvt. Ltd., Royal Twinkle Star Club Limited and Citrus Check Inns Limited. According to him, from time to time, he invested Rs. 4,74,000/-. Initially, he got returns but after 2013, the company stopped giving the returns and when he made an enquiry, he came to know that the present applicant and other accused in collusion with each other have cheated him and others. Accordingly, the First Information Report (FIR) came to be filed.

3. Mr. Patil, learned Counsel for the applicant, submits that he is neither a Director nor an agent or an employee or shareholder of any of the companies in which the applicant invested the amount. He then submits that in past various criminal proceedings have been initiated against the director

of the said company and the proceedings went upto the Supreme Court. Learned Counsel further submits that the Supreme Court is seized of the matter and has from time to time given direction under which the properties of the companies of which the appellant is a director of one of the sister concern, individual properties of the directors of the said companies, promoters have already been attached. The Hon'ble Supreme Court has constituted four members committee of which SEBI and the accused director, namely, Omprakash Basantlal Goenka are the members for valuation of sale of attached assets under the aegis of NCLIT. Thus, according to learned Counsel, the interest of the distributors and investors is being taken care of.

4. Learned Counsel, then, invited my attention to the order of the Hon'ble Apex Court, page No. 124, wherein the present applicant had moved Interim Application No. 25645 of 2020 and had sought modification of the order as far as the directions regarding the valuation of assets disclosed by the applicants were concerned. The Hon'ble Apex Court passed

an order on 17th February, 2020 in the said Interim Application No. 25645 of 2020 and directed that the valuation of personal assets be carried out but in the meantime, no coercive action shall be taken against the applicant and that order is still in force.

5. Mr. Dedhia, learned APP, on the other hand, does not dispute the above submissions of learned Counsel for the applicant. According to learned APP, the property of Rs. 9 crores has been seized, however, Rs. 88 lacs is still required to be recovered. Learned APP then invited my attention to the affidavit filed by the investigating officer wherein it is alleged that the present applicant is hand-in-glove with other accused. Investigation is in progress and therefore, the application needs to be rejected.

6. Perused papers. I have already pointed out from the submissions of learned Counsel for the applicant that the Hon'ble Apex Court is seized of the matter. I have already pointed out the order of the Hon'ble Apex Court dated 17th

February, 2020 wherein Interim Application No. 25645 of 2020 was taken out by the present applicant. The Hon'ble Apex Court was pleased to direct that the valuation of personal assets be carried out but in the meanwhile, no coercive action shall be taken against the applicant. The said order of Hon'ble Apex Court still holds good.

7. Having regard to the material on record, in my considered opinion, the applicant has made out a case for anticipatory bail. Hence, the following order :

ORDER

i) The application is allowed.

ii) In the event of arrest of the applicant in C.R.No. 69 of 2020 registered with Khed Police Station, Pune Rural for the offences punishable under Sections 420, 406, 409 and 120-B of the IPC and under Sections 3 and 4 of the Act, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 1,00,000/- with one or two local surety/ sureties in like amount.

iii) The applicant shall attend Economic Offence Wing Pune Rural District – Pune twice in a week i.e. on every Monday and Friday in between 11.00 am. to 2.00 pm.

iv) The applicant shall not tamper with prosecution evidence.

v) The applicant shall not leave India without prior permission of Court.

vi) The application stands disposed of accordingly.

(V.G.BISHT, J.)

TRUPTI SADANAND BAMNE

Digitally signed by TRUPTI SADANAND BAMNE
Date: 2021.11.26 23:40:23 +0530