IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2832 OF 2019

MEGHA S PARAB Digitally signed by MEGHA S PARAB Date: 2021.10.22 14:09:39 +0530

Manoj Purushottam Bhansali ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

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Mr. Shailendra S. Kanetkar for the Applicant.
Mr. S.V. Gavand, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th OCTOBER, 2021.

P.C.:-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 filed by the Applicant apprehending his arrest in C.R. No.365 of 2019 registered with Khadak Police Station for the offences punishable under Sections 420, 467, 468 and 471 r/w. 34 of the IPC and Section 3 of Maharashtra Protection of Interest of Depositors Act.

2. Heard Mr. Shailendra Kanetkar, learned counsel for the Applicant and Mr. S.V. Gavand, learned APP for the Respondent -State.

3. Crime against the Applicant was registered pursuant to the FIR dated 21/09/2019 lodged by one Smt. Rajani Dhananjay Mohite against Maheshkumar Lohiya and his father-in-law Sunil Somani. The

complainant had alleged that Maheshkumar Lohiya and Sunil Somani had induced him to invest money in the share market. Accordingly, she issued cheque for Rs.1,00,000/- for long term investment. Subsequently she issued another cheque for Rs.1,00,000/- and handed over the same to Maheshkumar Lohiya for investment. On 27/11/2017 she learnt that total amount of Rs.4,04, 734.66 was deposited in her account with SBI Bank, branch-Pimpale Nilakh. She has stated that Maheshkumar Lohiya informed her that that amount was credited due to inadvertence and took a cheque for the said amount from her in the name of Motilal Oswal Securities. The complainant alleged that when she told said Maheshkumar that she was in need of money, he avoided making the payment. Realising that she was cheated, she lodged the complaint against Maheshkumar Lohiya and Sunil Somani.

4. The FIR does not name the Applicant, who is a Charter Accountant by profession. Much before lodging of the FIR, the Applicant herein had lodged a complaint against Maheshkumar Lohiya alleging that he had persuaded him to open a demat account with Nirmal Bang Securities Pvt. Ltd. and another account in Kotak Mahindra Bank. The Applicant has stated that the said accounts, which were in his name were mainly operated by Maheshkumar Lohiya. He had learnt that the money running into lakhs and crores was deposited in his

account. He suspected that entries were made in the bank account with an attempt to launder the money. He has stated that he had not received any money either in cash or cheque from the amount deposited in the said account. He had alleged that taking undue advantage of his friendship, said Maheshkumar Lohiya had used both the accounts for money laundering.

5. Records thus, prima facie indicate that even prior to lodging of the FIR, this Applicant had complained to the police that the main accused -Maheshkumar Lohiya had used these accounts for laundering the money. No investigation was conducted in connection with the complaint lodged on 26/08/2019 by the Applicant. Learned counsel for the Applicant also states that though the present crime was registered in the year 2019, the Applicant was not called for interrogation even once. It is also not in dispute that that the money deposited in the aforesaid accounts were subsequently transferred in the account of the main accused. There is no prima facie material to show that the Applicant herein had received or utilised the money deposited in his account.

6. Considering the above facts and circumstances and particularly the nature of allegations against the Applicant, in my considered view this is not a case which would justify custodial

interrogation. Hence, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.365 of 2019 registered with Khadak Police Station, the Applicant be enlarged on bail on furnishing bail bonds of Rs.25,000/- with one or two sureties to the like amount.

(ii) The Applicant shall co-operate with the Investigating Agency and report to the Investigation Officer as and when called for.

(iii) The Applicant shall not interfere with the witnesses or tamper with the evidence in any manner.

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)