IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

Criminal Application (BA) No. 1075 of 2021
(Shraddha D/o Mahendra Dongre **..vs..** The State of Maharashtra through P.S.O., Rana Pratap, Dist. Nagpur)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. R. R. Tembhurne, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 20-10-2021

The applicant is seeking bail in connection with Crime 0251/2020 registered with Police Station, Rana Pratap Nagar, Nagpur for offences punishable under Sections 420, 406, 409 and 120B of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Section 45(S) of the Reserve Bank of India Act.

2. It is on the basis of report dated 13.11.2020 lodged by Mr. Ganesh Yadaorao Chafle that Crime 251/2020 is registered. The gist of the report is that on 15.4.2020, the complainant was paid visit by his relative Jivandas Dandare, who was accompanied by Atul Meshram and Ramesh Bisen, agents of Metro Vision Buildcon (I) Limited – the real trade company. The said agents explained to the complainant business profile of the said company. The

complainant did not pay serious attention to the business talk of the two agents, since he was not in a proper state of mind. The wife of the complainant sold her plot in June, 2020, Jivandas Dandare then started calling up the complainant and on 20.6.2020 paid another visit alongwith two agents. The agents painted a rosy picture of the business profile and represented that the said company invests in cryptocurrency stocks, metals and oil. The agents told the complainant that if amount is deposited in the company, the company shall deduct 15 percent from the profit generated and shall pay the balance profit to the complainant, in regular installments. Few days later, the two agents introduced the complainant to Vijay Gurnule, the Managing Director of the company, at the office of the company. Vijay Gurnule assured the complainant that the investment shall be safe and profitable and gained the confidence of the complainant. On 9.7.2020, the complainant invested Rs. 93,000/- each in two schemes of the company, in the name of his wife. The company assured weekly returns of Rs. 10,618/- for twenty weeks. The complainant did get the promised amount for the initial nine weeks which reinforced the complainant's faith and confidence in the company and induced him to invest further amount of Rs. 11,35,000/-. The complainant received regular returns from July to September

2020. The complainant's neighbor Mr. Tejrao Zagde, his son Mr. Shubham Zagde and few other acquaintances also invested various amounts in the company as did certain relatives. The returns stopped coming in September, 2020 and the Managing Director Vijay Gurnule informed the complainant and others that there is some software issue and that the invested amount is safe. This was only a ruse and ultimately the company downed shutters leaving the complainant, his friends and relatives high and dry.

3. During the course of investigation, several agents and employees of the company came to be arrested and certain persons of interest are absconding.

4. The role attributed to the applicant-woman is that she helped accused 12 Sunil Shrikhande to abscond. It is alleged that the applicant also handed over her mobile phone to accused Sunil Shrikhande and that the proceeds of the crime generated by Sunil Shrikhande were deposited in the account of the applicant to a certain extent. According to the prosecution, the applicant also induced the gullible investors by promoting the schemes of the tainted concerns in Zoom meetings etc. The investigation is complete and the charge-sheet is filed *qua* the applicant. The

applicant is a woman who was pregnant when her bail application was rejected by the learned Sessions Judge. The pregnancy did not weigh with the learned Judge. The learned counsel for the applicant states that for reasons which he is not aware of, the fetus was aborted. Be that as it may, I do not find it necessary to continue incarceration which would only be a pre-trial punishment. Some of the co-accused are released on bail and the role of the applicant, by no stretch of imagination, is larger than the accused who are released on bail. If at all, considering that she is a woman who is in custody since quite sometime, her case for entitlement to bail is on a better pedestal than the accused who are released on bail. In any event, the applicant is in no position to influence the witnesses or to subvert the trial. Even according to the prosecution, the account in which accused Sunil Shrikhande deposited certain amount is seized.

5. The application is allowed.

6. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount subject to the following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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