IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.110 OF 2022

KAMAL CHHABINATH SHRIVAS ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA ..RESPONDENT

…

Shri. Shaikh Altamash Abdul L, Advocate for the Applicant.
Smt. V. S. Choudhari, APP for Respondents-State.

…

CORAM : S. G. MEHARE, J.

DATED : 29th JULY, 2022.

PER COURT:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant has a case that he is also one of the investors in the company run by the other co-accused. He was attending the seminars. However, incorrect allegations have been levelled against him that he advised the complainant to invest the money with the company, namely U2V Online Private Limited. The applicant never promised the investors that they would get double the amount they invested. The applicant was neither the employee nor the Managing Director of the said company. Hence, the applicant has no reason to promise the investors. This Court has granted anticipatory bail to the main co-accused, the Director of the said company. Nothing is to be recovered from the applicant. Therefore, the interim protection granted to him may be confirmed.

3. The learned APP has opposed the application contending that the applicant was attending the seminars on behalf of the company and he was making the statements in the seminars that he has received good returns. Therefore, the complainant fell prey to his fake statements. It has also transpired in the investigation that the applicant was also one of the investors. However, he has no case for anticipatory bail.

4. Perused the papers placed on record. No doubt, it has been alleged against the applicant that he made statements before various persons that he has earned good returns from the investments made with the company. The prosecution has no specific case against the applicant that he was working as an agent or company employee. On the contrary, he is also a sufferer and did not get the amount return he had invested with the company. He might have fall prey to the false promises of the Director of the company. It is also not the case that the applicant has received money from the investors. The investors have directly deposited money with the company. Considering these aspects, this Court is of the view that no purpose would be served if the applicant is sent for custodial interrogation. Therefore, the applicant is entitled to anticipatory bail. Hence, the following order:

ORDER

a. The application is allowed.

b. The interim protection granted to the applicant by order dated 07.06.2022 is confirmed on the same terms and conditions of the bail bond.

(S. G. MEHARE, J.)

Devendra/July-2022