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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

26 ANTICIPATORY BAIL APPLICATION NO.793 OF 2022

VINOD SANTOSHRAO SUROSHE
VERSUS
THE STATE OF MAHARASHTRA

Mr. J.M. Murkute, Advocate for applicant;
Mr. V.M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 18th July, 2022

PC.

1. By the present application, the applicant seeks release on pre-arrest bail in C.R. No.234 of 2022, registered with Taluka Jalna police station, for offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short “MPID Act”).

2. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.

3. The learned counsel for the applicant has vehemently argued that the applicant has no concern with the alleged Bhishi. However, he being brother-in-law of the co-accused, he has been falsely

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arraigned in the crime. He never received the money from any of the so called members. He resides at a different place. He also does not know how he has been arraigned as an accused. No offence under MPID Act is made out. The main accused have already been arrested and they are behind bars. Since no case is made out against the applicant, the protection as prayed may be granted.

4. The learned A.P.P. has vehemently argued that the applicant was one of the members running the Bhishi. There are statements of many witnesses pointing out that the applicant was also managing the business of Bhishi with the other co-accused. The money more than Rs.1 Crore has been siphoned. The money which has been siphoned has been invested in the name of the applicant. The Investigating Officer has also a clue that the immovable properties have been purchased from the money of the complainant and others in the name of the applicant. Since the date of the report, the applicant is absconding. Therefore, the charge-sheet has been filed under Section 299 of the Code of Criminal Procedure.

5. In reply, the learned counsel for the applicant has vehemently argued that the prosecution has no evidence as such. There are no

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witnesses stating against the applicant that the applicant has played role as alleged by the prosecution.

6. Perused the application and papers submitted by the prosecution.

7. After having gone through the statements of the various witnesses and other material collected by the Investigating Officer, there appears a prima facie material against the applicant. Huge amount more than Rs.1 Crore has allegedly been siphoned by the applicant with his sister and brother-in-law (co-accused). There appears substance in the arguments advanced by the learned A.P.P. that the Investigating Officer wants to investigate about the money invested in the name of the applicant. The offence is serious. Therefore, the applicant is not entitled to anticipatory bail.

8. For the reasons stated above, the application stands dismissed.

(S. G. MEHARE, J.)

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