

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

ANTICIPATORY BAIL APPLICATION NO. 1475 OF 2021

Ganesh Ramdas Hajare

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. K.N. Shermale, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATED : 25th FEBRUARY, 2022**

PER COURT :

1. Heard.
2. This is an application for anticipatory bail. The applicant claims to have an apprehension of arrest in connection with Crime No. 202 of 2021 registered with Sangamner Taluka Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.
3. The applicant was one of the Directors of Aatharv4u Infra & Agro Ltd. ('the Company'), a financial institution. It had invited deposits from the

investors as against promise to pay high returns thereon. It appears that the company failed to repay the amount of the investors, and therefore, various crimes came to be registered at various places in India. The Chairman, some other Directors, officials including the present applicant were arrested in all other crimes registered at various places. All of them have been granted regular bail.

4. So far as regards present case is concerned, the First Information Report ('F.I.R.') is registered on 16th May, 2021. It has been alleged in the F.I.R. that the informant was an ex-serviceman. His maternal uncle and uncle's wife had induced him to invest a sum of Rs.5,36,000/- with the Company. Accordingly, the informant deposited the said amount during the period from December 2014 to May 2018. Since the Company could not repay his amount on maturity, he lodged the F.I.R. against his maternal uncle, uncle's wife and their one friend Arjun Andhale. The record further indicates that the informant filed an affidavit claiming to have no grievance against his maternal uncle and uncle's wife. It has also been stated in the affidavit that both of them are going to help him out to get the money back from the company.

5. Learned A.P.P. has strong objection to grant anticipatory bail. According to him, it is an economic offence. The applicant is shown as

absconding in charge-sheet, and therefore, submits that his custody is required for investigation. He cannot claim parity with the co-accused since they have been granted regular bail.

6. Considered the submissions advanced. The amount involved in the present crime is Rs.5,36,000/-. In all other connected crimes the applicant had been arrested and was released on bail. Admittedly, all of his movable and immovable properties including the bank accounts have been seized in connection with investigation of other crimes. Investigation of the crime was over and charge-sheet has been filed, though not against the applicant. In these facts and circumstances of the case, the Court is inclined to grant the application. Hence the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of the applicant in connection with Crime No. 202 of 2021 registered with Sangamner Taluka Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, he be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) The applicant shall appear before the Investigating Officer as and when required.

(R.G. AVACHAT, J.)

SSD