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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 446 OF 2022**

Balasaheb Dyandev Todkari

..... Applicant.

V/s

State of Maharashtra

..... Respondent.

Mr. Priyal G. Sarda for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent/State.

Police Constable/942, Vasim Shaikh, Economic Offences Wing (Crime)
Solapur City, present.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 20, 2022

P.C.:-

1] Applicant is seeking pre-arrest bail in C.R. No.54 of 2021 registered with Jail Road Police Station, Solapur for the offence punishable under Sections 420, 406, 120(B) read with section 34 of the IPC and Section 3 of the MPID Act.

2] Applicant in the capacity of agent of Multi Level Marketing Company accepted deposits with promise of higher return and the Company, so also Applicant failed to honour the promise of return of the amount / electrical gadgets money as was promised.

3] Learned APP on instructions from Investigating Officer has opposed the prayer on the ground that amount was accepted by the

Applicant and as such, it was equal responsibility of the Applicant to ensure the return as was promised. She has invited my attention to the statements of various persons who have deposited amount through the Applicant.

4] I have appreciated submissions.

5] Fact remains that the amounts which were received by the Applicant appear to have been deposited in the account of the Company and Company accordingly has issued the Code in the name of such depositors and not the present Applicant. As such, there appears to be a contract *inter se* between the Company and depositors. Involvement of the Applicant can be inferred only to the extent of receiving commission out of business provided to such Company. However, Applicant does not appear to be having any privity to the contract and higher returns *inter se* between the Company and depositors. Evidence available on record, particularly complaint initiated by the Applicant against the Company and its Directors, demonstrates in categorical terms that he has sought to prosecute the Company and its Directors for failure to honour the cheques which were issued towards return or receipt of the amount to the depositors.

6] In this background, it cannot be said that Applicant has any intention to commit or involve himself in the offence as alleged. That being so, ad-interim protection stands confirmed.

7] Applicant in the event of her arrest in C.R. No. 54 of 2021 registered with Jail Road Police Station, Solapur for the offence punishable under Sections Sections 420, 406, 120(B) read with section 34 of the IPC and Section 3 of the MPID Act, be released on bail on executing PR. Bond of Rs 15000/- with one or more sureties in the like amount. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence. Applicant shall attend the Investigating Officer of the concerned Police Station from 26th September, 2022 to 30th September, 2022 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

8] Application is disposed of.

(NITIN W. SAMBRE, J.)