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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.548 OF 2022**

Minesh Manharlal Shah & Anr. .. Applicants

Versus

State of Maharashtra .. Respondent

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Mr.Ashok Mishra with Ms.Kinjal Mehta i/b M/s.Solicis Lex for the Applicants.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

PI Shri Gund attached to Bangur Nagar Police Station, present.

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**CORAM: BHARATI DANGRE, J.**

**DATED : 02<sup>nd</sup> MARCH, 2022**

**P.C:-**

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

2. The two applicants are charge-sheeted in C.R.No.670 of 2021 registered with Bangur Nagar Police Station on 19/11/2021. They are charged for the offences punishable under Sections 406, 420, 465, 467, 468, 471 read with Section 34 of the IPC and the charge-sheet came to be filed against the main accused Vishwanath Shukla and one Sharad Lal and the present applicants are shown as wanted accused.

3. The allegations in the complaint dated 18/11/2021 would reveal that the complainant was interested in expanding his business and he was in search of the investors, who would lend him money. At that time, he was introduced to Mr.Manish Shah i.e. present applicant No.1, on telephone through his friend Rakesh Surekar. A meeting was arranged by applicant No.1 at Juhu which was attended by the applicants and the main accused Vishwanath Shukla.

The narration in the complaint revolves around this Vishwanath Shukla, who introduced himself to be a doctor, owning three to four hospitals in the city of Mumbai and who informed the complainant about Trade Profit Fund. The complainant has narrated in the complaint, the manner in which he was lured to invest the amount with the main accused, Vishwanath Shukla, since he gave an impression to him that in the past, he had funded one company to the tune of Rs.240 crores, which made huge profits and certain bank statements were also shown to him.

Being convinced that the said person is a doctor and would not cheat and on being satisfied that he invests money in various companies through Trade Profit Fund, he received a proposal from Mr.Shukla, to invest Rs.120 crore into the said fund. Thereupon the complainant alongwith his friend Rakesh Surekar accepted the said proposal and on 11/11/2021, an amount of Rs.15,00,000/- came to be transferred by RTGS in Aukward Trading Company, Axis Bank account, which is the account of Vishwanath Shukla. Another DD also came to be handed over at a subsequent point of time. On realizing that he has been duped by the accused persons, he has lodged the

complaint resulting into registration of the FIR against the accused persons.

4. On perusal of the charge-sheet, it can be discerned that not a single penny has been received by the applicants nor they are the part of the transaction with the main accused, Vishwanath Shukla. The above position is not disputed by the learned APP in the presence of the Investigating Officer, who is present in the Court.

In the wake of the fact that no role has been attributed to the present applicant in the charge-sheet nor the complainant alleged that any amount has been invested by him with the present applicants, they deserve a protection in the event of their arrest. Hence, the following order.

**: ORDER :**

- (a) The application is allowed.
- (b) In the event of arrest in C.R.No.670 of 2021 registered with Bangur Nagar Police Station, applicant No.1-Minesh Manharlal Shah and applicant No.2-Rajesh Baburam Gupta shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each, with one or two sureties of the like amount.
- (c) The applicants shall report to the concerned police station as and when called for.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from

disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

**( SMT. BHARATI DANGRE, J.)**