

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1965 OF 2021

Nitin Raosaheb Hase

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. M. S. Mohite, Sr. Advocate i/b. Shantanu R. Phanse, for the
Applicant.

Mr. S. R. Agarkar, APP for the Respondent/State.

PSI Sameer Dabhade & ASI Mohan Chormale, EOW.

CORAM : C.V. BHADANG, J.
DATE : 17 MARCH 2022

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. By this Application, the Applicant is seeking release on bail
in Crime No.209/2020 of Police Station Hinjewadi, District
Pune (transferred to EOW, Pune), under Section 406, 409 and
420 r/w. 34 of IPC.

2. I have heard the learned counsel for the Applicant and the
learned APP. With the assistance of the learned counsel for the
parties, I have gone through the record.

3. The aforesaid crime is registered on the basis of the complaint dated 4 March 2020 lodged by Sau. Rajashree Vani. According to the informant, the co-accused had formed 'Megamind Tracker Consultancy Softech Private Limited' (said company) at Indore (Madhya Pradesh), which had developed a Software / Application called 'Lukchup'. Somewhere in May 2019, co-accused Vivek Khokrale and Sachin Jathar had approached the informant, with a request to make investment and do digital marketing of the APP on promise of 35 to 40% of returns per month on the investment amount. The informant was taken to the Pune office of the said company where she was introduced to the Applicant alongwith Rupsingh Bishnoi and Ankita Taraporewala. In short, according to the informant, all the accused in furtherance of their conspiracy had induced the informant and several others (whose names are set out in the complaint) to invest various amount of Rs.5 Lakhs to Rs.15 Lakhs in the digital marketing and generation of online traffic for the said APP on promise of exorbitant returns which never materialised. Informant claims that for some time she had done digital marketing of the APP by generation of the online traffic through an entity called 'Savi Infotech'. In so far as the present Applicant is concerned, according to the informant, he was introduced as Maharashtra Head of the said company. The informant had also travelled to Indore and certain cheques were given by way of security by assuring return of the amount.

However, the amount was not returned. According to the informant, under the garb of the marketing of the mobile APP, there was an illegal business of 'money rotation', which was conducted.

4. On basis of such a complaint, the offence came to be registered and after investigation, the chargesheet is filed.

5. The learned Senior counsel for the Applicant has submitted that even as per the chargesheet the total amount received by the Company on account of marketing done by the Applicant is to the tune of Rs.1,50,00,000/- from the witnesses Babasaheb Datir, Dinkar Gadakh, Alpesh Mehta and Dattatray Dusingh. In so far as the Applicant is concerned, it is claimed that the Applicant had admittedly received amount of Rs.54,56,310/-. According to the Applicant, out of the said amount, he has incurred office expenses and the expenses on employment of the staff etc. to the tune of Rs.25,31,000/-. Thus, the balance amount comes to Rs.29,25,310/-. The learned counsel for the Applicant submitted that the Applicant is ready and willing to deposit the said amount if reasonable time is granted. It is pointed out that the Applicant was arrested on 1 October 2020. It is further submitted that none of the other accused have been arrested by the Investigating Officer for reasons best known to him. It is submitted that the investigation being complete and the chargesheet having been

filed, there is no justification for further detention of the Applicant in custody pending trial.

6. Learned APP has submitted that admittedly the Applicant has received an amount of Rs.54,56,310/-. It is submitted that in the event this Court is inclined to release the Applicant on bail, the Applicant be directed to deposit the entire amount. A specific query was made to the learned APP as to what are the circumstances in which none of the other co-accused have been arrested. Learned APP, on instructions from the Investigating Officer, submitted that they are absconding. However, it is not disputed that no action for issuing a proclamation under Section 84 of Cr.P.C. has been initiated against the co-accused, nor any proceedings under Section 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 have been initiated.

7. I have given my anxious consideration to the rival circumstances and the submissions made.

8. As noticed earlier, the Applicant has admittedly received an amount of Rs.54,56,310/-, out of which the Applicant claims that he has incurred expenses of Rs.25,31,000/-. These expenses are not part of the chargesheet or the investigation conducted by the Investigating Officer. However, having regard to the fact that the

investigation is complete and the chargesheet is filed and the offences are triable by Magistrate inviting the maximum sentence of seven years and further having regard to the fact that the Applicant has shown willingness to deposit some amount to show bonafides, I find that the Applicant can be released on bail, on conditions.

9. In the result, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Nitin Raosaheb Hase, be released on bail in Crime No.209/2020 of Police Station Hinjewadi, District Pune, on executing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall undertake to remain present before the learned Special Judge during the course of trial, unless exempted.
- (iv) The Applicant shall deposit an amount of Rs.40 Lakhs before the Special Court. Out of said amount, Rs.20 Lakhs shall be deposited within two weeks from today and the balance amount shall be deposited within three months thereafter.
- (v) The Applicant shall file an undertaking to that effect before the learned Special Judge.

(vi) The Applicant shall furnish the details of his movable and immovable property, if any (both joint and individual) to the Investigating Officer, within three weeks from today.

(vii) The Applicant shall not tamper with the prosecution evidence / witnesses.

(viii) In the event of breach of any of the conditions including about the deposit of the amount, the bail shall stand cancelled without reference to the Court.

(ix) Bail bonds to be furnished before the learned Special Court.

(C.V. BHADANG, J.)