

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2125 OF 2022**

Santosh Waman Jadhav and anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi a/w Mr. Nitesh Mohite i/b Mr. Samay Pawar for the Applicants.

Ms. P.P. Shinde, APP for the State.

Mr. Abhinav Bhatkar i/b Vijay Killedar for Respondent No. 2.

Mr. Amit Patil, PSI Kurundwad Police Station, Kolhapur.

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CORAM : N.R. BORKAR, J.

DATED : 13 OCTOBER 2022

P.C. :-

This is an application sunder Section 438 of Code of Criminal Procedure (CrPC) for grant of anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 109 of 2022 registered at Kurundwad Police Station, Kolhapur for the offences punishable under Sections 406, 409, 420 read with 34 of Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (MPID) Act, 1999.

3. According to the prosecution the present applicants and other co-accused with intention to cheat the complainant and witnesses persuaded them to make investment in M.S. Global Company with assurance that on completion of one year they would get double the amount. Accordingly

they invested Rs. 44,41,700/-. According to the prosecution, the applicant and other co-accused misappropriated the entire amount invested by the complainant and witnesses.

4. I have heard the learned counsel for the applicants, learned APP for the respondent and learned counsel for the original complainant.

5. This Court on 27 September 2022 passed the following order:

- “1. Learned counsel for the applicants on instructions submits that Rs.25,00,000/- shall be deposited by the applicants before the Special Court, MPID, Jaysingpur within a period of two weeks from today.*
- 2. Since, the statement is made on affidavit, the same is accepted as an undertaking to this Court.*
- 3. The amount, as such, involved in the offence which is alleged against the applicants is secured.*
- 4. In view of above, liberty is granted to deposit the said amount so as to show their bonafide.*
- 5. Place the matter for consideration on 13/10/2022.*
- 6. Ad-interim relief, if any, granted earlier to continue till then.”*

6. The learned counsel for the applicants submits that pursuant to the direction of this Court the applicants have deposited the amount of Rs. 25,00,000/-.

7. The allegations against the present applicants are that they have conducted the seminars and induced the complainant and witnesses to invest in M. S. Global Company. The learned counsel for the applicants submits that applicants themselves are the victims of the alleged crime.

4. Admittedly the present applicants are neither director nor employees of the M. S. Global Company. There appears to be no need of custodial interrogation. Considering these facts. I am inclined to release the applicants on anticipatory bail. Hence, the following order is passed:

I. The application is allowed.

II. In the event of the arrest of the present applicants in Crime No. 109 of 2022 registered at Kurundwad Police Station, Kolhapur for the offences punishable under Sections 406, 409, 420 read with 34 of Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (MPID) Act, 1999 they shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- each with one surety in the like amount.

III. The applicant shall attend the concerned Police Station every alternate day for two weeks from 20 October 2022 and thereafter as and when called and shall co-operate in the investigation.

IV. Needless to mention that the concerned Court shall invest the amount of Rs. 25,00,000/- deposited by the present applicants in FDR in any nationalized bank.

V. Application is disposed of.

(N.R. BORKAR, J.)