

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2154 OF 2022**

Bharat Dnyandeo Khule .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Sunny Aaron Waskar for the applicant.
Ms. Anamika Malhotra, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 10th AUGUST, 2022**

P.C:-

1 The applicant is apprehending his arrest in connection with CR No. 73 of 2022 registered with Wagle Estate Police Station, which invoke section 406, 415, 420, 120 B of IPC and section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.

On completion of the investigation charge-sheet is filed on 23/03/2022 against accused Sandesh Bhoir and it is alleged that, he along with the wanted accused, projected that they are owners of one Approva Developers and assured the investors that they will help them to find out houses at concessional rate, in various government schemes, and if they are unable to deliver the house, interest shall be payable on the invested amount.

The charge-sheet allege that forged letters of allotment of the house in Thane Municipal Corporation and Kalyan and Dombivali Municipal Corporation were produced in order to

gain confidence of the investors and by accepting amount from people from lower strata and low income group, the receipts were issued. The charge-sheet allege that till date, an amount of 6,46,87,150/-, has been accepted on behalf of 347 investors, but as per the promise neither the houses were allotted nor the interest on the amount invested was repaid. The charge-sheet further allege that the accused no.1 is a lawyer by profession and he has received the amount in his account in ICICI Bank/ Yes Bank / TJSB, and he had issued cheques, to investors which were not honoured. The charge-sheet also include the details of the accounts in personal name of accused no.1 Sandesh Bhoir and of Apporva Developers.

The charge-sheet compile the entire material which include the statements of various investors who were assured specific returns and list of the investors along with the amount invested by them.

2. The complaint filed by Vijay Tiwar refer to the booking amount of Rs. 3,00,000/- paid by him to Sandesh Bhoir who was neither given the possession of the house nor any interest was paid on the amount. The Complainant had also stated that several other persons had invested their amount with him and a memorandum of understanding came to be registered with the respective purchaser in the name of Apporva Developers described as seller and the accused no.1 signed as proprietor of Apporva Developers. The receipts of acknowledging the amount received are also issued by accused no.1.

3. As far as the present applicant is concerned, it has alleged

that he had acted as an agent and induced several persons to invest with the accused no.1.

The counsel for the applicant submit that he is not named in the FIR, and infact he himself is the victim of the scheme, as he had invested amount of Rs. 10,00,000/-, and for long period of time the flat was not delivered to him, but fortunately for him the invested amount was returned by accused no.1 in different installments.

The counsel would submit that the applicant is not beneficiary in the entire transaction, and infact he had pressurized the accused no.1 to return the amount invested by 17 people and the list of the said persons is given by him.

4. On specifically asked what is the material available against the applicant in the chargesheet and whether any amount is gone to his account, learned APP is unable to demonstrate any material to that effect.

In any case the applicant has attended the police station and rendered his cooperation. On completion of investigation the charge-sheet has been filed against the main accused and since the charge-sheet do not reflect any material to show that the amount received by accused no.1 has gone to the account of the applicant, his custodial interrogation is not warranted, particularly when the occurrence of the subject CR is from 10/01/2018 to 23/03/2022, and the entire investigation of the subject CR is complete, and charge-sheet being filed against accused no.1.

5. Observations made above are *prima facie* in nature and shall not influence the special court, when the trial is concluded.

In the wake of the above the applicant deserve protection

: **ORDER** :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.73 of 2022 registered with Wagle Estate Police Station, the applicant Bharat Dnyandeo Khule shall be released on temporary bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The applicant 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 should not tamper with evidence.

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