# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# CRIMINAL APPELLATE JURISDICTION

## CRI. ANTICIPATORY BAIL APPLICATION NO. 2542 OF 2021

Ananta Dinkar Bhukele Patil & Anr. ..Applicants
Vs.
The State of Maharashtra ..Respondent

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Mr. Niten V. Gaware Patil, for the Applicants.
Mr. S. R. Agarkar, APP for the Respondent / State.
Mr. Ganesh Bhujbal, for the Intervener.

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**CORAM : C.V. BHADANG, J.**
**DATE : 7 MARCH 2022**

**P.C.**

. The Applicants, apprehending arrest, in connection with investigation of Crime No.273/2021 of Police Station Hinjwadi, Pimpri Chinchwad, Pune, under Section 409, 420 and 506 r/w. 34 of IPC and Section 3 and 4 of the Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 15 April 2021 lodged by Sandeep Sudhir Jadhav. The

informant claims that he was acquainted with co-accused Deepak Kohakade, who is a proprietor of *DSK & Associates*. A representation was made by Deepak Kohakade that he is dealing with commodity market at national and international level and if certain amount is deposited with him, he can secure sizable returns on the said amount. The FIR discloses that there were seven instances which have been narrated when the informant had invested various amounts with *DSK & Associates*. Although, the informant claims that on some occasions, the assured returns were given, just to instill confidence, but on subsequent occasions, the assured returns were never paid and thereby the informant has been cheated.

3. The Applicant No.1 happens to be the brother-in-law of Deepak Kohakade while Applicant No.2 happens to be the wife of Deepak Kohakade.

4. I have heard the learned counsel for the parties. Perused record.

5. It is submitted by the learned counsel for the Applicants that the Applicants are in no way concerned with *DSK & Associates*, which is a proprietorship concern. It is submitted that Deepak Kohakade (who is referred to as party of first part) entered into an

agreement dated 3 August 2019 with the first informant accepting the liability for Rs.1,72,00,000/- as per the terms of the said agreement. It is pointed out that the informant has also filed a Summary Suit No.307/2021 in which Consent Terms were drawn by the parties. All these facts are not disclosed in the FIR. It is submitted that the Applicants are not concerned with the transaction.

6. Learned APP has strenuously urged that the Applicants were also part of the representation / assurance made to the informant and other investors who had invested various amounts with *DSK & Associates* on assurance of phenomenal returns which never materialised. It is submitted that not only the informant but several others have been cheated in which the Applicants had also a clear role to play as stated by the witnesses. Learned APP has pointed out a Bank statement in order to claim that amount has been credited in the account of Applicant No.2 and various amount have also been shown credited in the account of Applicant No.1. He therefore submitted that involvement of the Applicants is disclosed.

7. I have carefully considered the rival circumstances and the submissions made.

8. This Application was adjourned on the last date in order to enable the parties to verify as to the status of the entity *DSK & Associates,* in as much as it was claimed on behalf of the prosecution that it is a partnership firm. Today the copy of the Shops and Establishment register and other documents are produced by the Applicants, across the bar (which are marked 'X' for identification) which show that *DSK & Associates* is a proprietorship firm of Deepak Sakharam Kohakade. Thus, it can be seen that the said entity is not a partnership firm to which the present Applicants are shown to be related or concerned. The allegation in the FIR primarily is that representation was made by Deepak Kohakade and the amount was accepted. It is true that today the learned APP has pointed out that certain amount is shown to be transferred to the accounts of the present Applicants in this case. The record discloses that while granting interim protection, the Applicants were directed to report to the Investigating Officer.

9. The learned counsel for the Applicants stated that the Applicants have reported to the Investigating Officer. However, there was no interrogation.

10. Quite to the contrary, it is claimed on behalf of the prosecution that Applicants have not cooperated. It is not possible to decide on any such dispute in the present Application particularly,

in the absence of the production of the case diary showing the investigation carried out by the Investigating Officer. However, considering the over all circumstances and particularly having regard to the fact that *DSK & Associates* is shown to be a proprietorship firm of Deepak Kohakade and further having regard to the fact that the interim protection is operating from 26 October 2021, I find that, for the present, the Applicants can be directed to join the investigation and report to the Investigating Officer who can then investigate and interrogate the Applicants in relation to the Bank Accounts etc.

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

**ORDER**

(i) In the event of their arrest, in connection with investigation of Crime No.273/2021 of Police Station Hinjwadi, Pimpri Chinchwad, Pune, the Applicant No.1 Ananta Dinkar Bhukele Patil and Applicant No.2 Bharti Deepak Kohakade, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.

(ii) The Applicants shall report to the Investigating Officer on 15/3/2022, 16/3/2022 and 17/3/2022 between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.

(iii) The Applicants shall produce their Bank Account Statement and other details, as may be required by the Investigating Officer and also furnish their specimen handwriting / signature, if required.

(iv) The Applicants shall cooperate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

(v) Liberty to the prosecution to apply for modification/ cancellation of the bail, in case of disclosure of any further material.

(vi) The Criminal Application is disposed of, in the aforesaid terms.

**C.V. BHADANG, J.**