IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. 555 of 2022

Ashish S/o Dnyaneshwar Wankhede
Versus
State of Maharashtra, through Police Station Officer, Wardha City,
Tah.&Dist. Wardha

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Shri Chaitanya Barve, Advocate for the applicant.
Ms. Samshi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 28th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No.1322 if 2021 registered with Police Station Wardha (City), Wardha for the offences punishable under Sections 406, 407, 420, 467, 468, 471, 120B read with Section 34 of Indian Penal Code, 1860 and Section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. Learned counsel for the applicant submits that he is in jail since 14th December, 2021 and after the investigation is over the chargesheet has been filed

against the applicant and as such further custody of the applicant is not required.

3. He further submits that he himself is a victim of the 'Adnyeya Agro and Infrastructure Pvt. Ltd.,' wherein he has invested the amount.

4. He therefore submits that he cannot be accused in the present matter as he was not connected with the alleged offence.

5. He further submits that there is nothing to point out that he is a Director or partner or any way connected with the said company. He submits that even from the contents of the First Information Report, it can be seen that the applicant had only made aware about the scheme of the said company in relation to smart financial returns to the complainant. He therefore, submits that applicant has been falsely implicated in the alleged offence. Accordingly, he prays for grant of application.

6. Learned Additional Public Prosecutor strongly opposed the application and submits that there are statement of the witnesses wherein these witnesses have stated that applicant is the Development Director in the aforesaid company.

7. She submits that investigation is going on and other accused persons are absconding and therefore

she prays that this Court may not grant bail to the applicant.

8. I have perused the chargesheet and the reply filed by the State.

9. As the chargesheet is filed against the applicant and further custody of the applicant is not required. Moreover, in the same crime, two accused persons have been granted anticipatory bail by the Sessions Court.

10. *Prima facie*, it appears from the chargesheet that there is nothing to show that the applicant is a Director or partner in the said company.

11. First Information Report discloses that he made the complainant aware about the certain schemes. However, there is no mention about the status of the applicant in the said company. Thus, in absence of any *prima facie* material available on record to show the status of the applicant in the said company as Director or Partner, at this stage, it cannot be accepted that the applicant was Development Director on the basis of some statement of the witnesses. Otherwise also it will be the part of trial.

12. Applicant is in jail since last more than six months. Thus, in the above referred backdrop, I am of the opinion that further custody of the applicant is no

further necessary. Accordingly, I pass the following order.

i. Criminal application is allowed;

ii. It is directed that the applicant shall be released on bail in Crime No. 1322 of 2021 registered with Police Station Wardha (City), Wardha for the offences punishable under Sections 406, 407, 420, 467, 468, 471, 120(B) read with 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.

iii. The applicant shall attend the concerned police station on 1st day and 16th day of every month between 10 am to 12 noon till the conclusion of the trial.

iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

SACHINDANAND K NAIR
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Date: 2022.06.29 18:44:48 +0530

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