

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

CRIMINAL APPLICATION (ABA) NO. 387 /2022

Atul Haridas Dongare and another **Versus** State of Maharashtra

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

Court's or Judge's Order

Shri A.P. Kalmegh, counsel for the applicant.

Shri A.M.Deshpande, APP for the Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/07/2022

1. The applicant is seeking pre-arrest bail in Crime No. 67/2022, dated 15/02/2022, registered with Police Station Nandanvan, District Nagpur, for the offences punishable under Sections 120-B, 406, 409 and 420 of the Indian Penal Code, 1860 and Section 3 of M.P.I.D. Act, 1999.

2. Shri A.P. Kalmegh, learned counsel for the applicant submits that after this Court granted ad-interim anticipatory bail, the applicant attended the concerned Police Station and cooperated the Investigating Officer in investigation. He, therefore, submits that the custodial interrogation of the applicant is not necessary.

3. He further submits that the applicant himself is the Investor in this Company in the said scheme and since it was Multi Level Marketing, the company asked the investors also to hold the Seminars to share their experiences. He, therefore, submits that only because of the applicant held

some Seminars, it is not sufficient to treat the applicant as an accused. In the above referred backdrop, he seeks pre-arrest bail.

4. On the other hand, learned APP strongly opposed the present application and submits that during the investigation the Investigating Officer has recorded the statement of witnesses who had participated in such Seminars and the witnesses have disclosed the name of the applicant.

5. It is further pointed out that the statements of witnesses are sufficient to involvement of the applicant in the alleged offence.

6. I have perused the Case-diary and the FIR.

7. On perusal of the FIR, there are no allegations in the FIR that the applicant is a Group Leader or Director or Managing Director of the Company or he was holding any position on the said Company, in any capacity.

8. Prima-facie, it appears that the applicant was himself the Investor and in that capacity, he attended the Seminar and also addressed some of the Seminars, which were attended by the witnesses, of whom the statements were recorded by the Investigating Officer. Except this material, there is nothing to show him as direct involvement in decision making or in preparing the schemes of the company, in any capacity.

9. Moreover, the applicant attended the concerned Police Station as directed by this Court and there is no

complaint that he misused the liberty granted by this Court or he did not cooperate the investigating officer.

10. In thee above referred backdrop and considering the undertaking given by the applicant that he will cooperate the investigating officer in the investigation, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

- i) The criminal application is **allowed**.
- ii) The order dated 13/06/2022 is confirmed.
- iii) The applicants shall attend the Office of Economic Offence Wing on every Friday between 10.00 a.m. to 12.00 noon, till filing of the charge-sheet.
- iv) Liberty is granted to the State to apply for cancellation of bail, in case, the investigating officer come across any incriminating material against the applicant or in case of breach of condition or undertaking.

[ANIL S. KILOR, J.]