

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

Criminal Application (BA) No. 623 of 2022

Sandeep S/o Manohar Bagul

Versus

State of Maharashtra, through Police Station Officer, Police Station
Sonegaon, Dist. Nagpur

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

Court's or Judge's Order

Shri P.R.Agrawal, Advocate for the applicant.

Shri T.A. Mirza, 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. 92 of 2021 dated 26th June, 2021 registered with Police Station Sonegaon, Nagpur for the offence punishable under Sections 406, 409, 420, 120-B of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. Learned counsel for the applicant submits that the First Information Report was registered on 22nd June, 2021 and after nine months the applicant was

arrested in the alleged offence. It is further submitted that the further custody of the applicant is not necessary, as the chargesheet has already been filed. He further submits that, in fact, the scheme was of Multi Level Marketing and there was no promise to give the money back to the complainants who are the relatives of the applicant. It is further submitted that the applicant has been falsely implicated in the alleged offence. He therefore, submits that the custodial interrogation of the applicant is not necessary in this case.

3. Learned Additional Public Prosecutor strongly opposed the application and submits that this is an economic offence and therefore prays that bail may not be granted to the applicant.

4. I have perused the chargesheet, First Information Report and the reply filed by the State.

5. The offence was registered on the complaints of six investors who are *prima facie* the relatives of the applicant. From the tax invoices which are not part of the chargesheet filed alongwith application, *prima facie*, appears that the complainants have purchased certain health products from the applicant under the scheme and on failure to receive the amount on selling the said products, the complaint was lodged.

6. In this case, the chargesheet has already been filed after completion of investigation. The record shows that after registration of the First Information Report, for nine months custody of the applicant was not sought by the police.

7. In the circumstances, considering the allegations made in the First Information Report, the documents filed alongwith application and the chargehseet, I am of the opinion that further custody of the applicant is not required, though, it is economic offence. 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. 92 of 2021 registered with Police Station Sonegaon, Dist. Nagpur City for the offences punishable under Sections 406, 409, 420, 120-B 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 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

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.06.28
17:39:44 +0530