

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

CRIMINAL APPLICATION (ABA) NO. 515/2022

Indu w/o Mohan Rana **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 R.M. Tahaliyani, counsel for the applicant.

Shri V.A. Thakre, APP for the Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/07/2022

1. The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.67/2022, registered with Nandanvan Police Station, Dist. Nagpur, for the offences punishable under Sections 120(B), 406, 409, 420 of the Indian Penal Code.

2. Shri R.M. Tahaliyani, learned counsel for the applicant submits that the applicant himself is an Investor in the Company involved in this offence. It is pointed out that it was the Multilevel Marketing scheme wherein, the company asked the investors also to hold 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.

3. He further submits that the applicant is a lady and cooperating the Investigating Officer in investigation. He, therefore, submits that the custodial interrogation of the applicant is not necessary. 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 disclosed the name of the applicant.

5. It is further pointed out that the statements of witnesses are sufficient to show the 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 in the said Company, in any capacity.

8. *Prima-facie*, it appears that the applicant himself was the Investor and in that capacity, he attended the Seminars 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 her direct involvement in decision making or in formulation of the schemes of the company, in any capacity.

9. In the above referred backdrop, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i) Criminal Application is **allowed**.
- ii) In the event of arrest of the applicant in Crime No.67/2022, registered with Police Station Nandanwan, Nagpur, for the offences punishable under Sections 120(B), 406, 409, 420 of the Indian Penal Code, the applicant be released on bail on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.
- iii) The applicant shall attend the Economic Offences Wing as and when her presence is required.

[ANIL S. KILOR, J.]