

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

CRIMINAL APPLICATION (ABA) NO.638 OF 2022

Shekhar S/o Rambhau Kamlakar and another .Vs. State of Maharashtra, through
P.S.O., P.S. Bajaj Nagar, Nagpur and another

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

Court's or Judge's Order

Shri D.V. Chauhan, Advocate for the applicants.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 30/08/2022

1. The applicants are seeking transit anticipatory bail in Crime No.78 of 2021 registered with Dharmavaram Rural Police Station, Dist. Anantpur, Andhra Pradesh, for the offences punishable under Sections 403, 406, 409, 420, 120B and 471 read with Section 34 of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999.

2. Issue notice to the non-applicants, returnable forthwith.

3. Shri T.A. Mirza, learned APP waives service of notice for the non-applicants/State.

4. I have heard the learned counsel for the applicants and the learned APP for the State.

5. It is the case of prosecution in nutshell that the complainant Shri Nikhil Dilip Wase through his acquaintance Namita Katole got knowledge about the company M/s Ebidd Financial Services Private Limited in October, 2020 that if the investment is made in the said company, the said company will provide interest @ 30% per month on the said investment. As the complainant was allegedly cheated by the accused persons by Rs.12,00,000/-, he had registered the complaint at Bajaj Nagar Police Station, Nagpur. It is pertinent to mention here that, both the applicants are released on bail in the said crime.

6. It is further submitted that, based on the similar set of allegations, as the applicants are the employees of M/s Ebidd Financial Services Private Limited, the instant crime though came to be registered in the year 2021, however, since the notice under Section 41A of the Code came to be received by the applicants lately i.e. 24.08.2022, applicants for the very first time got aware of another crime being registered against them at the State of Andhra Pradesh.

7. The learned counsel for the applicants submits that this Court vide order dated 06.07.2022 granted anticipatory bail to the applicant No.1 in crime registered with Police Station Bajaj Nagar, Nagpur in similar offence. He therefore, submits that as the present crime is registered

in the State of Andhra Pradesh, he needs to approach to the concerned Court and apply for pre-arrest bail and till then, he prays for grant of transit anticipatory bail for a period of four weeks.

8. On the other hand, Shri Mirza, learned APP strongly opposes the present application.

9. This Court, time and again has observed that the transit anticipatory bail is permissible. This Court, in the cases of *Shantanu Shivilal Muluk vs State of Maharashtra and another*¹, *Ketan Kankia vs State of Goa*², *Porajith Thayyil Kallil s/o Jogesh K J vs State of Maharashtra*³, has considered the issue about grant of anticipatory transit bail and held in favour of the applicants in those cases, after considering the various judgments of this Court and the Hon'ble Supreme Court of India.

10. Thus, considering the above referred settled law and the fact that, in a similar offence registered at Nagpur, the applicant No.1 was granted anticipatory bail by this Court and applicant No.2 by the Sessions Court, I am of the opinion that the applicants are entitled for grant of transit anticipatory bail. In the circumstances, I pass the following order:

1 HC of Bombay, Aurangabad Bench Cri. Misc. App. No.154/2021

2 HC of Bombay Goa Bench, Cri. Misc. App. No.748/2021

3 HC of Bombay, in ABA No.161/2022

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicants in Crime No.78 of 2021 registered with Dharmavaram Rural Police Station, Dist. Anantpur, Andhra Pradesh, for the offences punishable under Sections 403, 406, 409, 420, 120B and 471 read with Section 34 of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, the applicants shall be released on transit bail on furnishing P.R. Bond of Rs.15,000/- each with one solvent surety in the like amount for each of the applicants.
- c) This order shall remain in force for two weeks from today to enable the applicants to approach the Competent Court for seeking appropriate relief.
- d) It is made clear that on expiry of two weeks period, the protection shall stand automatically cancelled.

The criminal application is **disposed of** accordingly.