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

CRIMINAL APPLICATION (ABA) NO.876/2021
Rajendra Ghanshyamdas Sharma and Anr. Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. R. R. Gautam, Advocate for the Applicants.
Mr. S. D. Sirpurkar, A.P.P. for the Non-applicant/State.

CORAM : SURENDRA P. TAVADE, J.
DATE : 20/01/2022.

1. Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

2. This is an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure in connection with crime No.295/2021 registered with Ganeshpeth Police Station, Nagpur for the offences punishable under Sections 406, 409, 420, 120-B read with Section 34 of the Indian Penal Code (IPC) and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (MPID Act) and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

3. It is contended that one Prashant Nandanwar has lodged First Information Report against the applicants and others. He alleged that in the month of May, 2019, applicant No.1 gave information about GBS Company and its owners namely, Girishchandra Gupta and others. It is alleged that

applicant No.1 introduced him to co-accused Girishchandra Gupta. He received information about GBS Company and co-accused Girishchandra Gupta, Anil Sibe and Rajeshkumar Gupta. He also informed that all persons were Directors of Giristo India Limited (GBS Company). The said company was shown to be at Wasavi Colony, Hyderabad, Telangana State. The applicants and one Ajagar Ali were acting as an agent of the said Company. Accordingly, the informant invested Rs.10,50,000/- with the said Company. Similarly several other persons have also invested in the said Company. As per policy plan declared by the said Company, its Directors were duty bound to pay 50% of the benefits to the depositors within 60 days even without taking any active part in the sale of company's articles namely, Agarbatti etc.

4. In view of the above allegations, it is contended that applicants were no way concerned with the GBS Company. They were working as an agent in the field of marketing. They never gave any sort of assurance to the informant and others. It is contended that whatever assurance or promise given to the informant was given by the Directors of the Company.

5. It is contended that the custodial interrogation of the applicants is not required as they have not played any active role in collection of deposits from the informant or from the other persons. It is contended that nothing is to be recovered from the applicants. The applicants are permanent residents of Nagpur, hence there is no possibility of their

absconding. Therefore, it is prayed that the applicants be released on bail.

6. Notice of this application was issued to the non-applicant. It is contended that GBS Company was formed and promoted by accused Girish Gupta, Anil Sibe and Rajesh Gupta. It is contended that Ajagar Ali and applicants were agent of the said Company. They persuaded the informant to invest money in the said Company. It is contended that applicants had conducted seminars in Hotels at Mombai and promoted the investment schemes in the said seminars. It is also alleged that the applicants facilitated Air Journey to the investors from Nagpur to Mumbai and also extended facility at Airport to Hotel. They motivated the investors to invest money in the Company. It is contended that many persons have invested money in the GBS Company and they are approaching the police for relief. The Directors of the Company were absconding. It is contended that the applicants had active role in persuading the investors to invest in the said GBS Company. It is contended that huge money is involved in the crime, therefore, custodial interrogation of the applicants are just required and hence, it is prayed that the application be rejected.

7. Heard learned counsel for the applicants and learned Additional Public Prosecutor for the State. Perused the First Information Report.

8. It is specifically alleged that the applicants induced the informant to invest money in GBS Company. It is

also appeared that the applicants had arranged seminars at Mumbai and persuaded the investors to visit at Mumbai and thereby the informant and others have invested the money. No doubt the details of seminars and its venue are not given in the First Information Report, but there are specific allegation against the applicants that they acted as an agent of GBS Company and they introduced the informant to the Directors of the Company. They gave them hefty assurance of return on the money invested by them. But in fact, no benefits were given to the informant and others as per the promise given by the co-accused.

9. It is alleged against the applicants that they were working as an agent in the market. It appears that they promoted informant and others to invest money in the GBS Company. If the First information Report is read, it appears that the informant had deposited around 28,99,200/-, out of which he has received Rs.6,80,040/-. Similarly, many other persons have invested money in the Company. The total amount of investment is around 3,33,63,949/-. It appears that Investigating Officer is receiving complaints from other investors. Prima facie, offence under Sections 3 and 4 of MPID Act is applicable. The role of the applicants is like an agent to introduce the investors to invest money in the GBS Company. The said role is required to be investigated. The Directors of the Company are absconding. Therefore, this is not a fit case to enlarge the applicants on bail. Hence, I pass the following order :

ORDER

Application is rejected.

(SURENDRA P. TAVADE, J.)

RGurnule