

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1436 OF 2023**

Bharat Shripal Gat

... Petitioner

vs.

State of Maharashtra

... Respondents

Mr. Umesh Pawar i/b. Mr. Prashant Bhavake for the Applicant.

Mr. R. M. Pethe, APP for State.

Mr. Prashant P. Jadhav for Original Complainant.

CORAM : GAURI GODSE, J.

DATED : 17 MAY, 2023

(VACATION COURT)

P.C. :-

1. This Application is filed seeking pre-arrest bail in connection with F.I.R. No. No. 488 of 2023 dated 24th April 2023, registered with Shahupuri Police Station, Kolhapur, for alleged offences punishable under Sections 406, 420, 468 and 471 of the Indian Penal Code and Section 3 of Maharashtra Protection of Interest of Depositors Act.

2. Learned counsel appearing for the Applicant submitted that the allegation against the Applicant in the complaint is only with

respect to he being introduced as an Advocate with respect to providing professional services, and there are no direct allegations against the Applicant with respect to accepting any amount or being involved in the fraud.

3. Learned counsel further submitted that initially, there was a complaint dated 4th November 2022 submitted before the District Superintendent of Police with respect to similar allegations. He submitted that the perusal of the complaint would show that there was no allegation made against the Applicant. He has placed on record a copy of the said complaint. He further submitted that for the first time in the present complaint name of the Applicant has been involved without there being any specific allegation against the Applicant. He further submitted that the applicant has till date, always co-operated in the investigation and that there is no requirement for any custodial interrogation. He therefore requests for grant of anticipatory bail.

4. Learned APP submitted that the perusal of the complaint would show that the allegation against the present Applicant is not with respect to only introducing him as an Advocate, but there are allegations which shows that the Applicant is also involved in the

entire fraud. He submitted that the Applicant is involved in preparing the concerned documents and the agreement with respect to preparing the fraudulent fixed deposit receipts as promised by the main accused.

5. Learned APP has placed on record papers of investigation for my perusal. Learned APP further submitted that the role of the Applicant cannot be segregated in view of the invocation of Section 3 of the MPID Act. Learned APP further submitted that the investigation till now shows that the Applicant is also equally involved in the entire fraud and also accepted the amount. He, therefore, submitted that in view of the serious allegation and the allegation of fraud involved, custodial interrogation is required.

6. I have perused the complaint as well as the investigation papers submitted for my perusal. The learned APP is right in submitting that the complaint is not with respect to only introducing the Applicant as Advocate, but there are specific allegations in respect of receiving amounts from investors with respect to Fixed Deposit Receipts and Notary agreement.

7. I have perused the record, and I am of the prima facie view that it cannot be said that there is no specific allegation against the

Applicant. Allegations are serious in nature with respect to the alleged investment amounts collected from the investors. In view of the gravity of the matter and the seriousness of the allegations, custodial interrogation is warranted. For the reasons stated above Application is rejected.

(GAURI GODSE, J.)