

Shiv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2686 OF 2022

Balu Ravate and Anr.	... Applicants
Vs.	
State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2733 OF 2022**

Ramrao Dinkar Rawate & Anr.	... Applicants
Vs.	
State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2667 OF 2022**

Sachin Sampatrao Kadam & Anr.	... Applicants
Vs.	
State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2679 OF 2022**

Ashok Dinkar Sankpal & Anr.	... Applicants
Vs.	
State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2689 OF 2022**

Sampat Pawar	... Applicant
Vs.	
State of Maharashtra	... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2690 OF 2022**

Order modified as per speaking to minutes dt.10/04/2023

Vitthal Shankar Nikam & Ors. ... Applicants
Vs.
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2691 OF 2022

Nivasrao Ramrao Nikam ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2734 OF 2022

Sunil Tanaji Wagh & Anr. ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Anish Ashok Desai with Mr. C. Sawant with G. Lobo for the Applicants in ABA Nos.2733/2022, 2667/2022, 2679/2022 & 2734/2022.
Mr. Abhishek Yende i/b Yende Legal Associates for the Applicant in ABA Nos.2686/2022, 2689/2022, 2690/2022 & 2691/2022.
Mr. H. J. Dedhia APP for the Respondent-State.
Mr. Shivaji Bhosale, API, EOW, Satara, Investigating Officer is present.

CORAM : S. M. MODAK, J.

DATED : 16TH MARCH 2023

P. C. :

1. Leave is sought to correct name of Shubadra Wagh in place of Shubadra Nikam. Leave granted. Amendment be carried out forthwith.
2. Heard learned Advocate for respective Applicants and learned

Order modified as per speaking to minutes dt.10/04/2023

APP for the Respondent-State.

3. Perused the orders dated 30th September 2022, and 7th October 2022, passed by this Court. In the order dated 30th September 2022, this Court had accepted the statement made on behalf of the Applicants that liability quantified by Authorised Enquiry Officer on 29th July 2022, on that basis interim protection was granted. Whereas as per the order dated 7th October 2022, the Applicants were directed to deposit 25% of quantified liability and then interim protection was granted.

4. Now, it is submitted that all the Applicants involved in all these Applications have deposited the entire amount as quantified by the Authorised Officer and these details are filed by way of statement and by way of additional affidavits. The Applicants, Shankar Nikam and Shubadra Wagh in ABA No.2690 of 2022, Sachin Kadam, Suryakant. P. Kesekar and Bharat D. Shirsat in ABA No.2667/2022, Ashok Sakpal and Bajrang D. Gaikwad in ABA No.2679/2022, were not asked to deposit any amount by the Authorised Officer.

5. Learned APP through the Investigating Officer has confirmed the fact about payment of above amounts. Learned APP submitted that apart from this liability there is misappropriation in crores. It may be true that in the FIR there may be reference to that amount but the Authorised Officer has quantified certain amount only. The criminal prosecution is not for purpose of recovery of money. In addition to that certain properties belonging to some of the Applicants are also attached and the Investigating Agency is in process of taking

steps as per provisions of MPID Act.

6. For the above circumstances, the interim protection granted by above two orders needs be confirmed. Hence the following order is passed :

O R D E R

- (a) Interim protection granted as per orders dated 30th September 2022, and 7th October 2022, is confirmed.
 - (b) The Applicants to cooperate with police as and when required.
 - (c) Needless to say, violating of the conditions mentioned above will make the Applicants liable for cancellation of anticipatory bail.
7. Application is disposed of accordingly.
8. These are my prima facie observations and the trial Court may not be influenced by that.
9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]