

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

ANTICIPATORY BAIL APPLICATION NO. 299 OF 2021

Mr. Ashish Baban Hodbe

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vikram Tare Patil a/w. J.V. Tare Patil for the Applicant.
Ms. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 10th APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.55 of 2018 registered with EOW, Unit No.7 for offences under Section 406, 409, 420, 120(B) of the Indian Penal Code and the offence under Section 3 and 4 of M.P.I.D Act.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Sneha Devhare. She had alleged that she had invested an amount of Rs.36,000/- in the company by name M/s. Atharva 4 U Infra & Agro

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Pvt. Ltd. The Complainant had alleged that she was issued certificate with an assurance that an amount of Rs.49,000/- would be received within two months from the date of submission of the said receipt. It is stated that the said company did not return the money. In the course of investigation it was revealed that several other investors were also duped in a similar manner. The records prima facie indicate that the Applicant herein was only an agent. It is stated that an amount of Rs.1,24,00,000/- was deposited in his account.

4. Learned APP states that the property of the Applicant, purchase value of which was 97 lakhs as on the date of the purchase, i.e. in the year 2015 has been attached. The Applicant was a young boy of 19 years, on the date of the offence. The co-accused against whom similar offences have been registered have been granted anticipatory bail and/or regular bail. Considering all these aspects, this Court, by order dated 17/02/2021 had granted interim protection in favour of the Applicant. The interim protection has been extended from time to time. It is also stated that during the pendency of this application, chargesheet has been filed. In the circumstances, presence of the Applicant is no longer required for custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.C.R.No.55 of

2018 registered with EOW, Unit No.7, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the EOW Unit 7, on the first Monday of every month till framing of the charge.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)