

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1251 OF 2023

Ramchandra Kerappa Waghmare ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ritesh M. Thobde for the applicant.

Mrs. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.47 of 2023 registered with Bundgarden Police Station, District Pune for the offences punishable under Sections 420, 406, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Sections 3, 4 and 5 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, the applicant in the year 2017-2018 introduced the informant with accused No.1, Ram Dashrath Gaikwad and informed him about rice pulling and transaction. It is alleged that on 11 July 2018 informant paid Rs.1 lakh in cash to the applicant and made agreement for non-refundable unsecured loan of Rs.1 crore. Accused No.1 asked the complainant to create group of needy people. It is alleged that the applicant and accused

No.1 in connivance with each other cheated public at large in the name of agreement with NASA. It is alleged that accused No.1 along with applicant cheated the group members and other investors of Rs.5 to Rs.6 crore.

3. The applicant, therefore, filed application seeking relief under Section 438 of the Criminal Procedure Code, 1973 which came to be rejected by order dated 31 March 2023. The applicant, therefore, approached this Court by filing the present anticipatory bail application.

4. On perusal of the material on record, it appears that the allegations of receipt of amounts are made against accused No.1. It is the case of prosecution that the amount has been received by accused No.1. The role attributed to the applicant is that he received amount of Rs.1 lakh on behalf of accused No.1 for investing in the scheme floated by accused No.1.

5. Learned APP, on instructions of the investigating officer who is present in Court, states that at this stage there is no material on record to show that any amount received by accused No.1 from investors has been transferred in the account of the applicant. From the material available with the investigating officer at this stage it prima facie appears that the applicant is not the beneficiary of transactions between accused No.1 and the investors. Therefore, custodial interrogation of the applicant is not necessary. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.47 of 2023 registered with Bundgarden Police Station, District

Pune for the offences punishable under Sections 420, 406, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Sections 3, 4 and 5 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, he be released on bail on furnishing P.R. Bond in the amount of Rs.1 lakh with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 7, 8, and 9 July 2023 between 11.00 a.m. to 2.00 p.m., and thereafter as and when called by the concerned investigating officer;

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.

6. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)