

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1342 OF 2022

Parshuram Maruti Waghmare Alias
Parshuram Maruti Waghmode ... Applicant
V/s.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.3585 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.1342 OF 2022**

Sandip Chittaranjan Patil ... Applicant
In the matter between
Parshuram Maruti Waghmare Alias
Parshuram Maruti Waghmode ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Abhineet N. Pange i/by Mr. Swapnil *Chopade* for
the applicant.

Mr. Pandurang H. Gaikwad, APP for the
respondent/Stae.

CORAM : AMIT BORKAR, J.

DATED : JUNE 14, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.36 of 2022 registered with Indapur Police Station, District Pune for the offenses punishable under Sections 403, 408, 409, 420, 120-B read

with Section 34 of the Indian Penal Code, 1860 and under Section 5 and 6 of the Prize Chits & Money Circulation Scheme (Banning) Act, 1978 and under Section 21, 22, 23 and 25 of Banning of Unregulated Deposit Schemes Act, 2019, the applicant is seeking releif under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, the co-accused started a chit fund and deduced people to invest in the scheme promising large returns. It is alleged that the total amount received by the co-accused is to the tune of Rs.85 lakh in cash. They misappropriated the amount by purchasing properties for own use. The role attributed to the applicant is that of agent.

3. The applicant, therefore, filed application under Section 438 of the Criminal Procedure Code, 1973 before the learned Sessions Judge, which came to be rejected by order dated 10 March 2022. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. Learned advocate for the applicant submitted that the role attributed to the applicant is that of agent and there is no material on record to show that the applicant is ultimate beneficiary of the unauthorized chit fund.

5. Per contra, learned APP submits that custodial interrogation of the applicant is necessary.

6. Having perused the case papers and material on record, it appears that prima facie role attributed to the applicant is that of the agent. Prima facie, it appears that the applicant is not the beneficiary of the chit fund. The main allegations are attributed to

other co-accused which are of misappropriation of the amount received from the investors.

7. This Court by interim order dated 21 October 2022 protected the applicant. There is no material on record to suggest that the applicant has violated the terms of interim bail nor there is any material to show that the applicant has not cooperated with the investigation.

8. Taking overall view of the matter, the applicant has made out a case for relief under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

- a) In the event of arrest in connection with C.R. No.36 of 2022 registered with Indapur Police Station, District Pune for the offenses punishable under Sections 403, 408, 409, 420, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Section 5 and 6 of the Prize Chits & Money Circulation Scheme (Banning) Act, 1978 and under Section 21, 22, 23 and 25 of Banning of Unregulated Deposit Schemes Act, 2019, the applicant 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 cooperate with the investigation and make himself available for interrogation whenever required;
- 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;

9. The anticipatory bail application stands allowed in above terms. No costs.

10. In view of disposal of the anticipatory bail application, nothing remains to be adjudicated in the interim application and the same stands disposed of as infructuous.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 27 June 2023 to correct the notes of appearance.