

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1809 OF 2022

Dnyaneshwar Sitaram Patil

..... Applicant

Versus

The State of Maharashtra

..... Respondent

Ms. Anima Mishra along with Mr. S. T. Pandey, Mr. Arvind Singhm Ms. Ritu Singh, Mr. Anuj Singh along with Mr. Nagesh Avhad i/b. SBG Law, Advocates for Applicant.

Ms. Pallavi N. Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th SEPTEMBER, 2023.

PC. :

1. By this application, applicant is seeking bail in Crime No.I-227 of 2018 registered with Indira Nagar Police Station, Nashik, for offences punishable under Sections 420, 406, 409, 204 read with Section 34 of Indian Penal Code, 1860 (for short “IPC”) and Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (for short “MPID Act”).

2. It is prosecution’s case that applicant by forming a company in the name and style of “E-Shopee Trade, Nashik”and under the guise of multilevel marketing, offered lucrative and handsome returns by way

of giving various products and incentives to the complainant and other people. The other co-accused were working as agents and employees of the said company. Accordingly, the company accepted small amounts from more than 152 customers to the extent of Rs.38,00,000/-. Applicant and other co-accused could not return the amount to the customers as promised by them. A complaint was lodged against applicant and co-accused.

3. It is contention of learned counsel for applicant that applicant is behind bar for more than 4 years and 7 months. As per prosecution's case, the total fraud is around Rs.38,00,000/-. The property of the applicant worth Rs.63,00,000/- is attached by the police. Co-accused have been released on bail. Punishment for offence under Section 420 of the IPC is 7 years and applicant is behind bar for more than 4 years. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant and co-accused had formed the company and they had given lucrative offers to the complainant and other customers and under these lucrative offers, they cheated the complainant and other customers. If applicant is released on bail, he may abscond, hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

6. The allegations against applicant are that he had formed the company and by giving offer to the complainant and other people, he and other co-accused cheated them. The other co-accused have been released on bail. Applicant is behind bar for more than 4 years. The maximum punishment for the offence committed by the applicant is 7 years. Applicant is behind bar for more than half term of his punishment. The property of applicant worth Rs.63,00,000/- is attached, investigation is completed and charge-sheet has been filed. Considering the above facts, applicant's further detention is not required.

7. In view of above, I pass following order :

ORDER

(i) Applicant be enlarged on bail in Crime No.I-227 of 2018 registered with Indira Nagar Police Station, on executing P. R. Bond and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only).

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in above terms and disposed off.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned shall act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)