

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1145 OF 2019
Rushikesh Jaywant Thorve ... Applicant
Versus
The State of Maharashtra ... Respondent
WITH
CRIMINAL APPLICATION NO. 1085 OF 2019

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Mr. Aabad Ponda, Senior Advocate alongwith Mr. Chandansingh Shekhawat and Mr. Yashovardhan Deshmukh instructed by Parinam Law Associates for the Applicant.
Ms. Veera Shinde, APP for the State.
Mr. Rajaram Bansode for the Applicants in Cri.Appl.No.1085 of 2019.

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CORAM : N.R. BORKAR, J.

DATED : 22 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 1 of 2017 registered at Dighi Police Station, Pune for the offences punishable under Sections 420, 406 r/w. 34 of Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. I have heard the learned Senior Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervenors.

4. On 23 May 2019, this Court passed the following order :

“1) The applicant is seeking anticipatory bail in connection with C.R. No. 1 of 2017 registered at Dighi Police Station, Pune. First Information Report is lodged on 03-01-2017 under Sections 420 and 406 r/w Section 34 of the Indian Penal Code. Subsequently, the provisions of MPID Act were invoked. Against some of the accused, charge sheet is already filed. As on today the case is pending before the Court vide MPID Case No.16/17.

2) I have perused the first information report in the present case. The first information report is lodged by Smt. Pramila Sunil Darekar. According to her, she along with other investors i.e. about 130 ladies invested Rs.29,10,566/- (Rupees twenty nine lac ten thousand five hundred sixty six only) with Sanskar Urban Co-operative Credit Society Limited. Neither any interest was paid, nor the amounts were returned. Therefore, the first information report was lodged. The first information report basically is filed against the persons in charge of the said credit society. The first information report is lodged against Vaikhunth Kumbhar, Rani Kumbhar, H.R. Surekha Shivale, Abhishekh Dhare, Raju Buchade, Kamal Shelke etc.

3) The name of the applicant does not appear in the first information report. It is the case of the applicant that, he is harassed by the police only because he is the brother-in-law of the main accused Vaikhunth Kumbhar.

4) Heard Mr. Ponda learned counsel for the applicant and Mr.V.B. Konde – Deshmukh, learned A.P.P. for the State.

5) Learned A.P.P. seeks time. The investigating officer is not present. Perusal of the first information report shows that, there was no allegation against the present applicant. Even the order passed by the Additional Session Judge, Pune whereby the anticipatory bail application was rejected does not mention any specific role played by the present applicant. In these circumstances, I am inclined to grant interim protection to the present applicant. Hence, the following order.

ORDER

a) In the event of his arrest, till the next date, in

connection with C.R. No. 1 of 2017 registered Dighi Police Station, Pune. Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties into like amount.

- b) The applicant shall attend Dighi Police Station, Pune from 28-05-2019 to 31-05-2019 between 03 p.m. to 05 p.m.*
- c) This order shall operate till 12-06-2019.*
- d) Stand over to 12-06-2019.”*

5. This Court by order dated 11 January 2023 in Bail Application No.382 of 2021 has released the main accused Vaikunth Kumbhar on bail in view of the affidavit filed by him that the investigating officer has seized movable and immovable assets owned by him worth Rs.17.5 crore and on an undertaking to deposit Rs.3 crore. The total misappropriated amount appears to be to the tune of Rs.21 crore and according to the prosecution, out of the said amount the applicant had received an amount of Rs.53,23,472/-. It appears that the investigating officer has already attached flat owned by the applicant.

6. Considering the overall facts and circumstances, I am inclined to allow the present application. In the result, the following order is passed :

- (i) Interim order passed by this Court by order dated 23 May 2019 is hereby confirmed.
- (ii) The Application is disposed of.
- (iii) Criminal Application for intervention stands disposed of.

(N.R. BORKAR, J.)