IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1902 OF 2023
WITH
INTERIM APPLICATION NO.2478 OF 2023

Suraj Kaluram Khare ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Ashok Kumar Dubey with Shweta Yadav i/b SAVJ Law Solutions for the Applicant in ABA No.1902/2023
Ms. Yashi Pradeep Raka i/b M. S. Vadlakonde for the Applicant in IA No.2478/2023.
Mr. H. J. Dedhia APP for the Respondent - State.

CORAM : S. M. MODAK, J.

DATED : 7TH AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant, learned Advocate for the first informant and learned APP for the Respondent-State.

2. After hearing both sides at great length, I am not inclined to grant anticipatory bail to this Applicant, even though it may be true that all the money invested by way of cheques, are issued

in the name of Manoj Khare, who is brother of this Applicant, it is also true that some of the money is returned by way of cheques that are issued by his brother-Manoj. It is also true that all memorandum of understandings (MoUs) are executed solely by Manoj in his individual name.

3. Further, when averments in the FIR and the statements recorded of the few investors, are perused it transpires that even the present Applicant has participated in entire transaction of interacting with the investors and inducing them to part away money. There is a company by the of name Quantera Link Pvt. Ltd. It is registered with ROC and the present Applicant and Manoj Khare are the Directors.

4. During investigation, certain brochures are collected through which the investors are induced to invest money in different plans. That brochure is issued in the name of the company, of which present Applicant is one of the Directors. I have perused statements of these witnesses. They have invested their hard earned money with the belief that they will be returned with good amount. Some of the amount was also

returned.

5. It is also true that this first informant has lodged 38 complaints against Manoj. The process has been issued and he has not appeared. There are bailable and non bailable warrants issued against him. The roznama copies are annexed to one of the complaint. Manoj and present Applicant are shown as accused, this is suggested on verification. The present Applicant has invested total amount of Rs.20,00,000/- by way of cheque and cash. He issued the cheque of Rs.4,00,000/-, Rs.5,00,000/-, Rs.80,000/- and Rs.1,00,000/-. These cheques were dishonoured. It seems that on record, the transaction is in the name of co-accused Manoj but in reality, the present Applicant has also participated. Furthermore, it seems that every time different MoU was executed and was is probably for the reason that they should gain the confidence of the investors.

6. FIR is lodged with Bhiwandi City police station under Sections 406 and 420 of the Indian Penal Code on the complaint of the first informant- Pramod Prabhkar Jadhav, whereas other investors are witness. Prima- facie the ingredients of Section 406

and 420 of the Indian Penal Code are satisfied. So, I do not think the case for grant of anticipatory bail is made out. Anticipatory Bail Application is dismissed. Consequently, Interim Application No.2478 of 2023 is also disposed of.

7. It is made clear that these are my *prima-facie* observations.

8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]