

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

BAIL APPLICATION NO. 2351 OF 2022

Jaydeep Manubhai Barot	...Applicant
vs.	
The State of Maharashtra	...Respondent

Ms. Shilpa Kapil - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State
Anand Mudaliyar – PI Mira Bhayander Vasai Viral Police
Commissionerate

CORAM : S. M. MODAK, J.

DATE : 04th JULY, 2023

P. C. :-

1. Affidavit-in-reply filed on behalf of the prosecution is taken on record and marked as Annexure-X. Its copy is supplied to the learned Advocate for the Applicant.

2. Heard learned Advocate for the Applicant, who is accused no. 2 and learned APP. Officer from the Economic Offence Wing, from Mira Bhayander Police Commissionerate is present. The Police of the Nalasopara Police Station has lodged the F.I.R. against one Vishal Barot, who is accused no. 1 and he is brother of the present Applicant. The said Vishal Barot assures the first informant

of good returns if amount is invested with him. Believing him, the first informant invested an amount of Rs. 33,60,000/- on various occasions either by cash or by NEFT. She could not get return and that is why F.I.R. is registered under Sections 420, 409, 406 read with 34 of the Indian Penal Code.

3. During investigation, it was disclosed that the accused no. 1-Vishal Barot induced various persons by convincing them to invest in various segments either in the form of gold coins or by giving the grocery articles to the investors on the concessional rate. In such manner, he has duped investors for an amount of Rs. 3,67,16,456/-. This is the amount invested. Whereas amount misappropriated comes to Rs. 1,25,21,547/-.

4. It was disclosed during investigation that Bank account of the present applicant was used for the purpose of depositing the money of the investors and also for the purpose of transferring the amount to various persons on various heads.

5. It is submitted on behalf of the Applicant that except use of his bank account there is no role alleged against the present Applicant. The contention is being brother of the main accused, he trusted him.

6. The bail is opposed on behalf of the prosecution. Perused the affidavit-in-reply. The main allegations are against the accused Vishal Barot. Whereas this Applicant is concerned the materials/averments finds place in para nos. 9 and 10 of the affidavit. The account in the Bank of India, Ahmedabad branch stands in the name of the present Applicant and para no. 10 give details of the amount transferred from his bank account to various persons. There is cash withdrawal by the Applicant to the tune of Rs. 9,15,346/-. Other payments are made to grocery shop owner and some of the investors.

7. Considering the fact that there is no allegation that the present Applicant that he interacted with any of the investor, even made any false promise or issued any receipts, I am inclined to grant him bail. Even though his bank account is used, except one withdrawal to tune of Rs. 9,15,346/-, the prosecution does not claim that the present Applicant is beneficiary. He is behind bar since 27/03/2021. Charge-sheet is filed. Hence the Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant - Jaydeep Manubhai Barot arrested in

connection with C.R. No. 137 of 2021 registered with Nalasopara Police Station for the offence punishable under Sections 420, 406, 409 read with 34 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 50,000/-.

- (iii) The Applicant shall regularly attend the proceedings before the trial Court.
- (iv) Applicant is directed to give attendance to the Economic Office Wing Mira Bhayander Police Commissionerate Area on second Monday of every Month from 10.00 a.m. to 12.00 noon for two years.
- (v) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

8. It is made clear that the these are my *prima-facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

9. Application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]