

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2855 OF 2022**

Jaywant Dattatraya Chavan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ganesh Gole a/w Mr. Aarif Ali M. Ali for the Applicant.

Ms Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 FEBRUARY 2023

P.C. :-

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

2. According to the prosecution, the present applicant and other co-accused had shown rosy picture to the investors and duped them to the tune of Rs. 7,21,34,000/-.

3. On 17 October 2022, this Court passed the following order:

“ The learned counsel for the applicant submits that the applicant was working as bodyguard with accused No. 1 against whom there are allegations of cheating to the investors. It is submitted that applicant took handloan from accused No. 1 of Rs. 2,50,194/- and the said amount according to the prosecution is out misappropriated amount of investors by the accused No. 1. It is submitted that applicant is ready and willing to deposit the said amount.

2. The applicant is permitted to deposit the said amount of Rs. 2,50,194/- before this Court till 11

November 2022.

3. Considering the facts and circumstances, I am inclined to release the applicant on interim anticipatory bail till next date.

4. In the event of arrest of the applicant in Crime No. 168 of 2022 under Sections 420, 406 read with 34 of Indian Penal Code he shall be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one surety in the like amount.

5. The learned APP submits that accused No. 1 has also filed Anticipatory Bail Application No. 2214 of 2022.

6. List the Anticipatory Bail Application No. 2214 of 2022 alongwith present application on 15 November 2022.”

4. The learned counsel for the applicant submits that pursuant to the above order the applicant has deposited the amount of Rs. 2,50,194/-

5. Prima faice, the applicant does not appear to be either employee or director of the Company in which the investment were made. Considering the overall facts and circumstances of the case, I am inclined to allow the present application. Interim order passed by this Court is hereby confirmed.

6. The applicant shall attend the concerned police as and when called by the Investigating Officer and shall co-operate in the investigation.

7. Application is disposed of.

(N.R. BORKAR, J.)