



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 33 OF 2024

1. Hiranman Maharu Salunkhe
2. Rakesh Hiranman Salunkhe
3. Mukesh Hiranman Salunke ... Applicants

VERSUS

The Superintendent Of Police, Dhule
And Another ... Respondents

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Mr. Shaikh M.A. Jahagirdar, Advocate for Applicants
Mr. D.J. Patil, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th SEPTEMBER, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 290 of 2023 registered with Mohadi Nagar Police Station, District Dhule for offences punishable under sections 406 and 420 read with section 34 of the Indian Penal Code.

2. Informant Pratibha Eknath Patil lodged FIR on 15.10.2023 alleging that wife of applicant/accused No.1 and mother of applicants/accused No. 2 and 3 Latabai Hiranman Salunke is running a chit fund (*Bhishi*) at Mohadi. She approached informant and allured her by giving handsome amount in lump-sum in case she joins her chit fund. Falling prey to the allurements given by Latabai, informant became a

member of chit fund in the year 2013. At that time, informant got Rs.1,30,000/- towards her deposits in lump-sum. Thereafter, again informant became a member of chit fund in the year 2015 and started to contribute Rs.10,000/- per month. Latabai and her family members used to collect the amount of deposit from informant by visiting her house. In the year 2017, it was turn of informant to receive the amount of Rs. 2,50,000/-, however, Latabai did not pay said amount to informant and told that, she would purchase a plot for her. Again, in the year 2018, informant became a member of said chit fund, managed by accused Latabai. In the year 2020, it was the turn of informant to receive the amount of Rs.5,00,000/-, hence she demanded the said amount to Latabai, but she told that, money is required for establishing the clinic of her daughter Dr. Sheetal and son-in-law Kunal Patil and assured that, she would pay said amount shortly. The informant has also given the names and amounts invested by other members of said chit fund in the FIR. It is alleged that, Latabai has not paid amount of informant and other members of chit fund. It is further alleged that, since 2015 to 2020 applicants/accused and co-accused had cheated total 25 members by way of chit fund scheme worth of Rs.37,40,000/-.

3. Heard learned advocate for applicants and learned APP for Respondents – State. Perused the investigation papers.

4. After arguing at length on merits, when this Court was not inclined to grant relief, learned advocate for applicants, on instructions, seeks permission to withdraw the application of applicant No.1. Permission granted. Application of applicant No.1 Hiranman Maharaj Salunkhe is dismissed as withdrawn.

5. Charge-sheet in the present crime is filed on 15.12.2023. Main accused i.e. accused No.1 mother of applicants was arrested and was released on regular bail. Co-accused i.e. sister and brother-in-law of applicants against whom similar allegations are made were granted *ad-interim* anticipatory bail by this Court. After filing of charge-sheet, they are granted regular bail by the trial Court.

6. The main allegation against applicants is that they used to collect the *Bhisi* amount from the informant and all the members. According to applicants, at the relevant time, they were taking education, and thereafter, they were serving at different places and they have not participated in the alleged crime.

7. Applicants were granted interim protection on 05.01.2024 and they were directed to attend concerned police station and co-operate in the investigation. They have attended the concerned police station and co-operated in the investigation. In view of filing of charge-sheet, their pre-trial custodial detention is not necessary. Hence, the application of applicants No. 2 and 3, i.e. Rakesh Hiranman Salunkhe and Mukesh Hiranman Salunke is allowed by confirming the interim protection granted to the applicants by order dated 5th January, 2024.

8. Applicants shall not tamper with the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE