

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 870 OF 2024

Nanasaheb Chabu Chavan

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Shaikh Kayyum Najir

APP for Respondent/State : Mr. S.M. Ganachari

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CORAM : S.G. MEHARE, J.

DATED : JULY 11, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is facing the 21 crimes on the identical allegations and for the same cause of action. The applicant seeks anticipatory bail in Crime No.447 of 2021 registered with New Mondha Police Station, District Parbhani for the offence punishable under Sections 420, 406, 409, 465, 466, 467, 468, 471, 120-B r/w 34 of the Indian Penal Code, Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 ('MPID Act' for short) and Section 58-B of the Reserve Bank of India Act, 1934 ('RBI Act' for short).
3. Learned counsel for the applicant submits that this is the 21st crime registered against the applicant on the identical allegations.

On identical allegations, he faced the investigation for 20 crimes and in all those crimes, he has been granted bail on certain conditions. Nothing new is to be investigated from the applicant. Therefore, his custodial interrogation is not essential. As far as the apprehension of the prosecution that he would flee away, the bail conditions should be imposed ensuring the apprehension of the prosecution. The entire property of the applicant has already been seized. Nothing is to be seized from him. Therefore, he deserve pre-arrest bail.

4. Learned APP submits that every time new investors come forward, lodge the complaint and investigation starts. He would submit that the main accused had settled his family in Singapore and tried to flee away. He would submit that if the applicant is interrogated, some new facts may come forward. Therefore, his custodial interrogation is essential.

5. The applicant has been granted bail in 20 crimes which were registered against him on the identical allegations as alleged in this case also. The sole purpose of the custodial interrogation is to investigate the crime, collect the necessary evidence, avoid the tampering of evidence. Considering the investigation in 20 identical cases, the Court is of the view that the investigation officer has nothing to investigate new by sending the applicant in custody. However, his right to interrogate cannot be taken away. He may investigate the applicant, on the condition to attend the police station.

6. In view of the repeated investigation on identical facts, the Court is of the view that his custodial interrogation is not essential. All documents have been seized. So there is no chance to tamper with the prosecution evidence. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application is allowed.
- (ii) In the event of arrest, Applicant, Nanasaheb Chabu Chavan, be released on anticipatory bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall attend the concerned police station on every Monday and Saturday of every month between 11.00 am to 02.00 pm, till filing the charge sheet.
 - (b) The applicant shall furnish his passport, if not furnished in another crime with police station.
 - (c) The applicant shall not leave the place of his residence without the written permission of the Court till the conclusion of the trial.
 - (d) The applicant shall furnish his address proof and cell phone number with an undertaking that he would not change his cell phone number till the conclusion of trial.

(4)

If it is changed, he would intimate the investigation officer as well as the Court.

(S.G. MEHARE, J.)

Mujaheed//