



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1730 OF 2023

1. Bharati Balasaheb Kale
2. Nihal Balasaheb Kale ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

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Mr. Shriraj R. Wakale, Advocate for the Applicant
Mr. S.B. Jadhav, APP for Respondent – State

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[CORAM : NITIN B. SURYAWANSHI, J.]
DATE : 22nd FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No.1146 of 2023 registered with Tofkhana Police Station, District Ahmednagar for offences punishable under sections 406, 420 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Priyanka Shilendra Surpuriya alleging that accused Nos.1 to 3 in furtherance of their common intention gained the trust of complainant and other investors and prevailed upon them to deposit huge amounts with their company. Thus, the accused persons have cheated the complainant and other investors and duped them of their hard-earned money tuning more than Rs.13,49,00,000/-.

3. Heard learned advocate for applicant and learned APP for the respondent No.1 – State. Perused the papers of investigation.

4. Accused No.1 Balasaheb Nivrutti Kale is arrested on 17.10.2023 and he is in jail. Applicant No.1 is his wife and applicant No.2 is his son. It is alleged that both the applicants induced informant and others to invest amounts with main accused Balasaheb Kale. Admittedly, all the amounts are given either by cheque or NEFT to accused No.1 Balasaheb, however, accused No.1 failed to give agreed returns on such investments, and therefore, offence is lodged against them. Investigation in the present crime is complete and charge-sheet is filed and the case is numbered as R.C.C. No.76 of 2024.

5. Applicants were granted interim protection by order dated 19.10.2023, and they have co-operated in the investigation. Nothing is to be recovered from applicants. Therefore, pre-trial custodial detention of the applicants is not necessary in the facts of the present case.

6. Application is therefore allowed by confirming interim protection granted to applicant by order dated 19.10.2023.

[NITIN B. SURYAWANSHI]
JUDGE