2024:BHC-AUG:1583

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1772 OF 2023

Akhil Singh Dilip Singh ….Applicant

VERSUS

The State Of Maharashtra& Another …..Respondents

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Mr. Balraj Pande, Advocate for applicant.
Mrs. V.S. Chaudhari, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 331/2023, registered with MIDC CIDCO, Police Station, Aurangabad, for offences punishable under sections 420, 406 r/w. 34 of the Indian Penal Code.

2. FIR is lodged by Alka Rupwate alleging that applicant induced informant to collect amounts from investors by showing several attractive schemes and offering heavy returns. Initially, applicant paid attractive returns for gaining trust of informant and therefore informant collected amounts of Rs. 27,50,000/-

from investors and paid the same in account of applicant, but applicant failed to return the same.

3. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

4. Admittedly, applicant is doing trading business at Indore. It is the case of applicant that while serving at Bull Research Share Market Advisory Company, Indore, informant being customer of company he contacted her on cell phone and informant transferred amount of Rs. 20,000/- from PhonePe account for investing in share market. Applicant returned Rs. 30,000/- online to informant. Thereafter, applicant realized that he should not privately deal with customers of company, and therefore he started whatsapp chatting with informant from another number and used to instruct informant about investing. Applicant claims that earlier amount which informant had given him for investment, he has returned it on 6th May, 2021. Thereafter, there was loss of Rs. 40,000/- to informant which informant was insisting that applicant should pay her. Applicant refused to pay said loss to informant and therefore informant has falsely implicated him in the present crime.

5. *Prima facie*, allegations made in the FIR appear to be suspicious as it is claimed by informant that an amount of Rs. 27,50,000/- was paid in cash from time to time to accountant of applicant at Aurangabad. Earlier amounts invested by informant through applicant were transferred either on PhonePe or online and as applicant is doing trading business at Indore, *prima facie*, it is not possible to believe that such a huge amount of Rs. 27,50,000/- was paid in cash by informant.

6. Applicant has no criminal antecedents. He was granted interim protection and he has co-operated in the investigation. Custodial detention of applicant, in the facts of present case, is not necessary.

7. Application is therefore allowed by confirming the interim protection order dated 8th January, 2024.

8. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigation officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]

Bhagyawant Punde