

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 506 OF 2023

Anil Ankush Kolpe

...Applicant

vs.

The State of Maharashtra

...Respondents

Mr. Sanjeev Kadam a/w Mr. Mayur G. Sanap i/by Mr. Prashant P. Ral -
Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 06th MARCH 2024

P.C. :-

1. Heard learned Advocate Shri Kadam for the Applicant and learned APP on the point of the confirmation of the interim order dated 22/02/2023. Two submissions were made on 22/02/2023 :-

One is about visit to the house of the first informant-Seema Dhanavade for the purpose of inducing her to deposit an amount in the Company-Royal Veg Marketing Business Pvt. Ltd.. Amongst those representatives, the present Applicant was one of them. Second submission was resigning from the post of the Directorship, with effective from 12/06/2020.

2. Learned APP invited my attention to the affidavit filed by API Sunil Bhosale, at page no. 152. He has read over the averments. No doubt it is true that this Applicant is named in the F.I.R.. The first informant has deposited Rs. 2,70,000/- from time to time. Whereas the total amount misappropriated from all the investors comes to Rs. 30,61,90,831/-. Out of that, an amount of Rs. 14,94,85,806/- is repaid to the investors. API further submitted that yet an amount of Rs. 15,67,05,025/- is yet to be recovered. It is mentioned in para no. 5 at page no. 155.

3. These details are given on the basis statement of the Chartered Accountant one Mr. Nilesh Jadhav belonging to the Company. No doubt the Applicant was director at some point of time, the issue is whether his custodial interrogation is necessary or not.

4. During investigation, some investigation was done and charge-sheet is filed against arrested accused and Vitthal Kolpe being brother of this Applicant is one of the accused. After the F.I.R., there are no averments that this Applicant has accepted the amount. From the charge-sheet also no statements of the depositors are pointed out to me indicating that the Applicant was involved at any stage either in

accepting the deposit or refunding it at any point of the time. So unless and until, some involvement is shown, the prayer for the custodial interrogation cannot be considered as ground for refusing the anticipatory bail.

5. So I am inclined to confirm the interim protection on that ground. So far as resignation is concerned it is matter for evidence.

With these observations, following order is passed :-

ORDER

- a) The interim protection granted on 22/02/2023 in connection with C.R. No. 34 of 2021 is confirmed.
- b) The Applicant to co-operate the Police as and when required.

6. Accordingly, Anticipatory bail application is disposed of.

7. These are my prima-facie observations, the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

[S. M. MODAK, J.]