IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3512 OF 2023

Anandrao Prakash Ghorpade & Anr. .... Applicants

versus

State of Maharashtra .... Respondent

…....

- Mr. Anand S. Patil, Advocate for Applicants.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
- Mr. Suraj V. Gadkari i/b. Atul Sonawane, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.217/2023 dated 24/08/2023 registered with Radhanagari Police Station, Kolhapur, under sections 406, 409, 420, 506 r/w 34 of the Indian Penal Code and u/s 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999.

2. Heard Mr. Anand S. Patil, learned counsel for the Applicants, Mr. Suraj V. Gadkari, learned counsel for the Respondent No.2 and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by one Sagar Kamble. He has stated that in February 2022, his friend Bhagwan Deshmukh and one Dayanand Kamble introduced him to the Applicant No.2 Amol Mohire. They told the informant that Anand was the main person of the company known as ‘Blockaura’. The Applicant Amol in turn told the informant that a few months ago he was a simple DTP Operator. But then he became rich by investing in Blockaura (TBAC). He showed the informant the profit he had earned. He represented to the first informant that through that company he earned big amount and he had purchased a pent house worth Rs.2 Crores. He had booked a luxury car and had purchased gold ornaments. In short, the Applicant Amol made representation to induce the informant to invest in Blockaura company.

4. In March 2022, the other Applicant Anand Ghorpade met the informant in the Applicant Amol's office and made similar representation. The Applicant Amol told him that the Applicant Anand was a partner in Blockaura and both these Applicants had started another finance company named as Doxy Finance. They lured the informant to invest in that Doxy Finance as well. The informant initially gave some amount which the Applicant Anand Ghorpade used and showed that one account was opened for his investment. He gave a password for that account. The informant was told that Doxy Finance was registered in four countries and Government of India had approved that company. The Applicant Anand Ghorpade took various investors to Thailand at his own expense and took them to various seminars in big hotels. Getting swayed by this representation, the informant and others invested their hard earned money with both these companies. The FIR mentions the investment of Rs.34,84,000/- in those two companies invested by the informant and his friends and relatives. The money was misappropriated. On this basis, the FIR is registered.

5. Learned counsel for the Applicants submitted that the Applicants have no concern with those two companies. They were merely agents of those companies. They were also victims like other investors. The Applicant No.1 had invested Rs.6,00,000/- and the Applicant No.2 had invested Rs.4,00,000/-. They are not the beneficiaries of the investment made by the investors. The informant had abducted the Applicants, for which a separate FIR was lodged against the informant. There were atleast 10,000 similar agents like the Applicants. The Applicants have attended the police station for about 11 times, when they were under interim protection granted by the Sessions Court. He submitted that they have answered all the questions put to them and have submitted all the documents necessary and therefore their custodial interrogation is not necessary.

6. Learned APP on the other hand submitted that as of today it is revealed that there were 32 investors and more

investors were coming forward. The amount invested by those investors as of today is to the tune of Rs.71,29,800/-. She has produced the investigation papers before the Court which include, statements of various victims. The investigation reveals that the investigating agency has interacted with SEBI and Registrar of Companies to find out existence of the Doxy Finance and Blockaura. The investigation has revealed that no such companies are registered in India and the Government of India has not sanctioned any of those schemes.

7. I have considered these submissions. The FIR is clear enough. It speaks about the inducement made by both the Applicants. There are statements of victims like Dattatray Bhoi, Bheema Kamble, Dayanand Kamble etc. They have corroborated the contention of the first informant. The victims were similarly cheated on the basis of false representation. They were made to part with their money. The offence of cheating and misappropriation of money and also under MPID are clearly made out. The Applicants' complicity in the offence is clear.

8. Learned APP on instructions submitted that though the Applicants have attended the police station, they have not cooperated with the investigation. They have produced gadgets like laptops etc. But they were not in connection with the crime and they are not producing the hardware which were used in making the investments. They were not producing the relevant documents. In short the Applicants are not cooperating with the investigation at all.

9. Considering all these circumstances and loss caused to so many investors, custodial interrogation of the Applicants is absolutely necessary. No case for grant of protection under section 438 of Cr.P.C. is made out. The application is dismissed.

(SARANG V. KOTWAL, J.)