IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 247 OF 2024

Jay Ramesh Ahuja ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Tapan Thatte, i/b, Mr Vivek N Arote, for Applicant
Mr. Tanveer Khan, APP, for Respondent-State.
Ms. Madhuri S. Jadhav, PI, IO, EOW, Pune, present.

CORAM : N. J. JAMADAR, J.
DATE : APRIL 30, 2024

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for state.

2. By an order dated 30th January 2024, this Court had granted interim bail to the applicant recording, *inter alia*, as under:-

> "...7. The learned Counsel for the applicant submitted that the only role attributed to the applicant is that of facilitating the victims to avail the loan. It is not a case that the applicant had induced the victims to invest the amount with the said financial establishment.
>
> 8. The learned APP submitted that the statements of the witnesses revealed that the applicant, being the direct selling agent, has facilitated availing of the loans by adopting dubious method. He had made several applications with different banks for the same customers, and, therefore, the investigation is warranted.
>
> 9. Prima facie, it does not appear that the applicant was connected with the financial establishment. Whether in the capacity of a direct selling agent, the applicant had induced the persons to avail loan from the banks and then invest the same in the said financial establishment, would be a matter for investigation. In this view of the matter,

> the liberty of the applicant can be protected while directing him to join in the investigation. If the investigation reveals the complicity of the applicant, the same can be considered at the stage of final adjudication of the application....”

3. The learned APP submitted that custodial interrogation of the applicant is necessary to facilitate the further investigation.

4. The investigation, it appears, has not revealed that the applicant was managing the affairs of the financial establishment. The indictment against the applicant is that he had facilitated the investors to avail loan from various Banks as a direct selling agent. Whether those acts on the part of the applicant in facilitating the availing of loan were illegal and caused prejudice to the lenders, prima facie, does not appear to be the subject matter of the instant FIR. Whether the applicant shared the defrauded amount by facilitating the loan to the investors, appears to be a matter for evidence.

5. In the circumstances, having regard to the role attributed to the applicant, further custodial interrogation of the applicant does not seem warranted.

6. Hence, I am impelled to make the order of interim bail absolute while directing the applicant to join in the investigation.

7. Hence, the following order.

ORDER

I) The order of Interim Bail dated 30th January, 2024 is made absolute on the terms and conditions incorporated therein.

ii) The applicant shall henceforth appear before the Investigating Officer as and when directed.

iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

iv) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

The application stands disposed.

(N. J. JAMADAR, J.)