

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1238 OF 2024

Nanaso Baban Bhosale

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Rajaram V. Bansode a/w. Sheetal M. Ubale for Applicant.

Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 6 MAY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.764 of 2023 registered at Dahivadi Police Station, Satara, on 04.10.2023, under sections 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Rajaram Bansode, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. The F.I.R. is lodged by one Amol Shende. He has stated that on 15.04.2023 he met the present applicant at Shingnapur. The applicant told him that, he was an Agent of M/s. Vishwakarma Super Mart Pvt. Ltd. He told him that, if the informant invested

Rs.1 lakh in that company, he would get Rs.13,500/- per month for a period of 15 months and then he would get back his principal amount of Rs.1 lakh. Getting impressed, the informant paid Rs.35 lakhs to the applicant. Out of which, Rs.25 lakhs were sent through bank transaction and Rs.10 lakhs were paid in cash. Subsequently, neither the principal amount nor the promised interest was paid. The money was misappropriated. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the money which the informant had given was directly deposited in the bank account of the said company. The cash which was paid by the informant was also deposited in the company's account. He submitted that, in fact, the applicant and his family members are the victims at the hands of the said company i.e. Vishwakarma Super Mart Pvt. Ltd. The applicant and his family members had invested Rs.15 lakhs together in the said company; which was misappropriated. He submitted that the applicant and the other victims have preferred the Writ Petition (Stamp) No.11923 of 2023 before the Division Bench of this Court making these very

allegations against the said Vishwakarma Super Mart Pvt. Ltd. There are 47 petitioners who are the victims. The applicant is the Petitioner No.2 in that petition. The prayer in that petition is for direction to register an F.I.R. in this connection. Learned counsel submitted that the said petition is still pending before the Division Bench. He further submitted that, if the applicant had committed this offence, he would not have approached this Court with a specific prayer to lodge an F.I.R. against the said company.

5. Learned APP accepted that the writ petition is pending before the Division Bench. She relied on the grievance made by the informant in the F.I.R. that the inducement was made by the present applicant.

6. I have considered these submissions. Undoubtedly, the informant was told about the said company by the applicant and because of that the informant had invested in that company. The money is lost. There are many other victims. However, from the above discussion and submissions, at this stage, it appears that the main offenders are the persons who are controlling Vishwakarma Super Mart Pvt. Ltd. The applicant himself has approached this

Court along with others for taking action against the said company. In this view of the matter, there is a possibility that the applicant himself is a victim in the entire fraud and, therefore, his custodial interrogation is not justified. The investigating agency can continue with the investigation in the C.R.No.764 of 2023 registered with Dahivadi police station.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.764 of 2023 registered at Dahivadi Police Station, Satara, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)