

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

ANTICIPATORY BAIL APPLICATION NO.1856 OF 2021

Bisent Ram Ashray Singh	 Applicant
Versus	
The State of Maharashtra & Anr.	 Respondents

Mr. Shubham Gangan, Advocate a/w. Siddhesh Bane i/b.
Saurabh Butala for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.626/2020 registered at Kashimira Police Station, Thane Rural on 3.8.2020 under Section 306 of IPC. Subsequently the provisions of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 were also added.

2. Heard Mr. Shubham Gangan, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is in respect of suicide committed by the informant's aunt. She has named one Manish Jha. There is also reference to M/s. Wisdom Producer Company Limited with whom she had invested some amount.

4. Learned counsel for the Applicant submitted that the main allegations in the FIR are directed against Manish Jha. There is only some reference to M/s. Wisdom Producer Company, of which the Applicant is the Proprietor. The Applicant had taken very small amounts for his business from different people, but, his business could not flourish because of spread of COVID-2019 during that period. He is willing to deposit that amount, which he had collected.

5. Learned APP, on instructions, states that the investigation has revealed that the Applicant had collected total Rs.3,50,000/-. As per his willingness, the Applicant has deposited that amount with the investigating officer. Learned

APP, on instructions, states that the deceased had invested Rs.10,000/- with the Applicant.

6. I have considered these submissions. The allegations in the FIR are directed mainly against Manish Jha. There was a small investments made by the deceased with the Applicant. In any case, the Applicant has deposited the entire investment made by all the investors with him. The amount of Rs.3,50,000/- has been deposited by him with the investigating officer, as per the report of the investigating officer. Said report/panchnama is taken on record and marked 'X' for identification.

7. Learned counsel for the Applicant has no objection if the amount is returned to the respective investors.

8. In this view of the matter, the Applicant can be granted the relief under Section 438 of Cr.PC.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.626/2020 registered at Kashimira Police Station, Thane Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The investigating officer shall inform the persons from whom the amount was taken by the Applicant and those persons can make appropriate application before the concerned Magistrate for return of their amount.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.02.09
12:07:28
+0530