

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

**ANTICIPATORY BAIL APPLICATION NO.2764 OF 2021
WITH
INTERIM APPLICATION NO.1377 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.2764 OF 2021**

Sunil Devakinandan Zawar ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2954 OF 2021
WITH
INTERIM APPLICATION NO.1382 OF 2024
IN**

ANTICIPATORY BAIL APPLICATION NO.2954 OF 2021

Mahavir Manakchand Jain ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ravindra Adsure with Mr. Yash Sonavane for the Applicant in ABA/2764/2021.

Mr. Ravindra Adsure with Mr. Karan Singh Rajput with Mr. Fauzan Shaikh for the Applicant in ABA/2954/2021.

Mr. Shirish Hiray, Spl. PP i/b. Mr. Deepak Barde for Respondent - EOW Pune (R).

Mr. Kiran Shinde, APP for Respondent -State.

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CORAM : SANDEEP V. MARNE, J.

DATED : 22 APRIL 2024.

P.C.:-

1. These applications are filed under Section 438 of the Code of Criminal Procedure by the Applicants in connection with C.R. No.754 of

2020 registered with Shikrapur Police Station, District-Pune (Rural) for the offences punishable under Sections 120B, 411, 406, 409, 465, 467, 468, 471, 474, 109, 323 and 506 r/w 34 of the IPC and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. It appears that the Applicant in Application No.2764 of 2021 is merely a purchaser in respect of three properties sold by the Liquidator of the Co-operative Credit Society whereas the Applicant in Application No.2954 of 2021 is the Chartered Accountant, who has allegedly conducted forensic audit of accounts of the Society at the behest of police.

3. It appears that in respect of total 81 FIRs filed by various investors against Directors and others alleging non refund of their deposits, the Division Bench of this Court has passed an order for clubbing of all the cases, which are assigned to the MPID Court at Jalgaon. The Applicants are not accused in those cases.

4. On 25 November 2020, it appears that three individuals lodged FIRs in police stations at Alandi Devachi, Shikrapur and Deccan, in which the Applicants were named as accused. It appears that in respect of Crime No.673 of 2020 arising out of the FIR lodged in Deccan police station, Applicant in Application No.2764 of 2021 was arrested and remained in custody from 10 August 2021 to 20 October 2021. The

Applicant in Application No.2954 of 2021 was arrested and remained in custody from 27 November 2020 to 9 April 2021.

5. Present applications are arising out of Crime No.754 of 2020 lodged with Shikrapur Police Station. Mr. Hiray, learned Spl.PP fairly admits that investigation into the said crime have already been completed and charge-sheet has been filed on 22 March 2022. Even in respect of the FIR arising out of Deccan Police Station, 5 charge-sheets have been filed on 27 February 2021 against 36 accused including the present two Applicants.

6. Mr. Adsure, the learned counsel appearing for the Applicant would also submit that the Applicant in Application No.2764 of 2021 had undertaken to remain present before the concerned investigating Officer upon receipt of requisition. He would submit that after grant of interim protection by this Court, the Investigating Officer has not summoned the said Applicant. Nonetheless, Mr. Adsure, would assure that as and when the Investigating Officer summons either of the Applicants, they shall fully co-operate with the Investigating Officer by remaining present in the police station.

7. In view of the fact that the Applicants were already under custody for a substantial period of time in connection with the FIR lodged at Deccan Police Station and that their role has already been investigated thoroughly by the Investigating Officer, coupled with the

fact that investigation into Crime No.754 of 2020 (Shikrapur Police Station) is already completed and charge-sheet has been filed on 22 March 2022, I do not find any reason why the custodial interrogation of the Applicants is needed at this stage for investigation of Crime No.754 of 2020. The Applicants are under interim protection granted by this Court vide orders dated 25 November 2021 and 9 December 2021. I therefore, do not see any reason why said interim protection should not be made absolute. Accordingly, I proceed to pass the following order:-

- (i) Interim orders passed on 25 November 2021 in Anticipatory Bail Application No.2764 of 2021 and 9 December 2021 passed in Anticipatory Bail Application No.2954 of 2021 are made absolute.
- (ii) In the event of arrest of the Applicants in Crime No.754 of 2020 registered with Shikrapur Police Station, District-Pune (Rural) the Applicants are ordered to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- (iii) The Applicants shall remain present before the Investigating Officer as and when summons to that effect is received and shall co-operate with the investigations.
- (iv) The Applicants shall not tamper with the prosecution evidence and/or influence the witnesses in any manner.
- (v) The Applicants shall keep the Trial Court /Investigating Officer informed of their current

address and mobile contact numbers, and /or
change of residence or mobile details, if any, from
time to time.

8. With the above directions Anticipatory Bail Applications
are allowed and disposed of.

9. Interim applications stand disposed of.

SANDEEP V. MARNE, J.