

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2967 OF 2023

Tushar Chandrakant Sonar	}	..Applicant
V/S.		
The State of Maharashtra		
Through Deola Police Station, Nashik	}	..Respondent

Mr. Pravin Tembhekar, *for the Applicant.*

Mr. A.S.Gawai, *APP for State-Respondent.*

Mr. Sudarshan Waghmare, PI, EOW, Nashik Police Station present.

CORAM : SANDEEP V. MARNE, J.

Dated : 8 APRIL 2024.

P.C. :

1) This Application is filed by the Applicant seeking pre-arrest bail in connection with Crime No. 51 of 2020 registered with Deola Police Station, Nashik for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act (**MPID Act**).

2) It is the contention of the Applicant that he was not a Director in the Company named, 'Kalkaam Real Infra (India) Ltd. Company'. According to him, he was merely an employee carrying the designation of 'Marketing Development Director'. According to him, use of the word 'Director' has been misconstrued by the First Informant, the Investigating Officer, the

learned Sessions Judge to mean as if the Applicant is a Director in the Company. My attention is invited to the annual returns filed on behalf of the Company with the Registrar of Companies under which only three persons viz. Vishnu Pandurang Dalvi, Vijay Chandrakant Supekar and Sunil Raghunath Vandre are listed as Directors of the Company. Be that as it may. It appears that the Applicant was soliciting business from the customers in capacity of his designation as 'Marketing Development Director'. In addition to the crime involved in the present application, it appears that the Applicant is an accused in respect of three other crimes registered with Yavatmal Police Station, Mumbai Naka Police Station and Thane-Navghar Police Station. The Applicant was already arrested in connection with crime registered with Thane-Navghar Police Station and has been enlarged on bail. In connection with the crime registered with Mumbai-Naka, Nashik Police Station, the Applicant has been arrested and is currently in judicial custody. The learned APP, after taking instructions from the Investigating Officer, would submit that the Investigating Officer can conduct investigations in respect of the crime involved in the application by questioning the Applicant while he is in judicial custody in connection with the crime registered with Mumbai Naka, Nashik Police Station. The Investigating Officer is granted liberty to do so. The concerned jail authorities shall offer full cooperation to the Investigating Officer for conducting investigations against the Applicant in respect of the crime involved in the present application.

3) Since the Applicant is already in judicial custody in connection with some other transaction involving the same Company, in my view he need not be arrested once again in connection with the crime involved in the

present application. The Investigating Officer shall carry out and complete the investigations by questioning the Applicant while he is in custody in connection with crime registered at Mumbai Naka Nashik Police Station. In my view therefore, interim protection granted in favour of Applicant deserves to be made absolute.

5) The Anticipatory Bail Application is accordingly **allowed** by making interim protection granted in favour of the Applicant by order dated 30 October 2023 absolute. The Applicant shall co-operate with the Investigating Officer during his custody, as well as after his release from custody by remaining present before the Investigating Officer whenever called.

6) With the above directions, the Anticipatory Bail Application is **disposed of**.

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[SANDEEP V. MARNE, J.]