

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

Anticipatory Bail Application No. 68 of 2023

Sunil Mohan Sarode ... Applicant
V/s.
The State of Maharashtra ... Respondents.

**WITH
BAIL APPLICATION NO.691 OF 2024**

Vishwajeet @ Sanjay Prabhakar Chandorkar ... Applicant
V/s.
The State of Maharashtra ... Respondents.

Ms. Misabh Solkar a/w. Ms. Muskan Memon a/w. Mr. Mohammad Taha	Advocate for the Applicant in BA No.691/24.
Mr. Siddhesh Bhole a/w. Ms. Anushree Koparkar i/b. SSB Legal & Advisory	Advocate for Intervenor.
Mr. Ashok S. Gawai	APP for the State.
Mr. Wesley Menezes a/w. Mr. Steven Anthony, Ms. Trupti Kudthdkar a/w. Mr. Ayaan Bhattacharyya i/b. Wagar Pathan	For the Applicant in ABA 68/23.
Mr. J.J.Sayed,	API, EOW Thane city present.

CORAM : S.M. MODAK, J

DATE : 14 November 2024.

P.C. :

Heard learned Advocate for the Applicant and the learned

APP. Also heard learned Advocate for the first informant and Investigating Officer.

2. Mr. Menezes made following submissions:

- (a) It is submitted that approach of the police is partisan even though the papers suggest investment made in the companies through agents, those agents were cited as a witness and not being made as an accused persons.
- (b) The amount shown in all charge-sheets is exaggerated and uptill now the police have not come to conclusion about exact amount of misappropriation. He invited my attention to the amount mentioned in the charge-sheet and in supplementary charge-sheet.
- (c) Even they could not arrive at the exact number of investors.
- (d) He tried to explain his Accountant K.P. Dineshan has already given the details of all transactions and even his client has attended the EOW office on various occasion and even sent replies to the notices issued by the police. So there remained nothing for his custodial interrogation.
- (e) He also tried to explain how his client has even spent an amount while obtaining a loan and it is for the purposes of re-paying of these investors.

- (f) He paid the liasoning fee to one Vishwajeet Chandorkar (who is made as an accused in Kolsewadi Police Station subsequently).
- (g) According to him, the said Chandorkar has also committed fraud, in the sense accepted the liasoning fee but not arranged actual disbursement of the loan and for that purpose he has also lodged a separate FIR with Satpur Police Station.

3. The learned APP and learned Advocate for the first informant tried to justify the materials collected during investigation. According to them it is the Dineshan only who has given the details and learned APP invited my attention to a Chart of the charge-sheet dated 3 June 2022. It is from Page No.1 to Page No.20. According to them up till now the investigation officer could record the statements of 198 witnesses upto the time of filing of all the charge-sheets and more and more persons are coming forward. The amount of misappropriation mentioned in the supplementary charge-sheet dated 19 January 2024 is Rs. 16,23,40,000/- (for 105 investors. In fact, it ought to have been for 780). The figure of Rs. 5,62,03,025/- mentioned at Sr.No.7 at the bottom of that page is the figure arrived at as per the details given by the investors who have come forward and this figure is increased to Rs.6,34,72,500/- up till now.

4. On merits he submitted that there are sufficient materials to

show involvement of the applicant and through middlemen or otherwise he has issued receipts and the forensic audit is underway and as per the interim report, the financial transaction disclosed from the Bank account of the applicant is Rs.21 Crore. The final report is awaited.

4. There are certain submissions about willingness to deposit more amount by the applicant and it is countered by learned advocate for the first informant. It is made clear that if the question of deposit will come and if there is some consensus, Court will consider it as one of the factor while deciding anticipatory bail application. Ultimately, it has to be decided on the basis of the available materials. Learned Advocate for the applicant is at liberty to make submission about willingness of his client to deposit any amount on the next date after taking instructions.

5. Stand over to **22 November 2024.**

6. Interim order granted earlier to continue till next date.

7. The Applicant to continue to give attendance as per the earlier order.

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1. I have already heard the learned counsel for the parties.

2. The learned Advocate for the First Informant wants to advance additional arguments. This matter be also kept on **22 November 2024**.

(S.M. MODAK, J.)