IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.383 OF 2024

Shyam Kaluram Bhoir & Anr. .... Applicants

versus

The State of Maharashtra .... Respondent

…....

- Mr. Kedar J. Patil a/w Sakshi S. Kadam a/w Pratik Tare a/w Prajay Kutkar Advocate for Applicants.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.259/2023, dated 20/12/2023, registered with Uran Police Station, Navi Mumbai, under sections 420, 409, 120-B r/w 34 of the Indian Penal Code, under sections 3, 4, 5 of Prize Chits Money Circulation Schemes (Banning) Act, 1978 and under sections 3, 4, 5, 6 of the Maharashtra Protection of Interest of Depositors Act, 1999.

2. Heard Mr. Kedar J. Patil, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Haresh Payer. The gist of the FIR is that the informant, Pankaj Patil, Shrikant Gaikwad and Kiran Jambhulkar invested Rs.52,08,000/- with the Applicants' son Akshay on his representation to give handsome return on their investment. The entire scheme was fraudulent and all of them lost their money. On this basis, the FIR is lodged.

4. The Applicants are parents of said Akshay. During investigation it is transpired that some amount has gone in their account and hence they are seeking anticipatory bail.

5. Learned counsel for the Applicants submitted that the entire allegations are alleged against the Applicants' son Akshay. The representation was made by him. The amounts were accepted by him and the allegations regarding non-payment of dues are also against him. As far as the Applicants are

concerned, there are some bank entries which show that some amount is received in their accounts. Those accounts were actually operated by their son. The Applicant No.1 is working in BPCL. He has no connection with his son's activities. The Applicant No.2 is a lady.

6. Learned APP submitted that the investigation has revealed that the statement of informant Payer, which is treated as the FIR itself mentions that Rs.8 lakhs were deposited in the Applicant No.1's bank account and Rs.6 lakhs were deposited in the Applicant No.2's bank account.

7. Learned counsel for the Applicants submitted that the Applicants' role is limited, both of them are willing to deposit that amount with the police and they have no objection if that amount is withdrawn by the said victims.

8. Considering this statement, the Applicants can be protected by way of ad-interim relief to test their bonafides.

9. Hence, the following order :

<u>O R D E R</u>

(i) In the event of their arrest in connection with C.R.No.259/2023, dated 20/12/2023, registered with Uran Police Station, Navi Mumbai, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

(ii) The Applicants are permitted to deposit the amount of Rs.14 lakhs with the Investigating Officer.

(iii) This order shall operate till 23/02/2024.

(iv) The Applicants shall cooperate with the investigation in the meantime.

(v) Stand over to 23/02/2024.

(SARANG V. KOTWAL, J.)